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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN
Twelfth session
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Item 6 of the provisional agenda*

IMPLEMENTATION OF ARTICLE 21 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Reports provided by specialized agencies of the United Nations on the implementation of the Convention in areas falling within the scope of their activities

Note by the Secretary-General

Addendum

In accordance with the Convention on the Elimination of All Forms of Discrimination against Women (General Assembly resolution 34/180, annex), article 22, the International Labour Office has submitted to the Committee on the Elimination of Discrimination against Women, for consideration at its twelfth session, the report attached to the present document.

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* CEDAW/C/1993/1.

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REPORT SUBMITTED BY THE INTERNATIONAL LABOUR OFFICE TO THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN AT ITS TWELFTH SESSION*

(Original: English/French/Spanish)

Introductory note

With a view to meeting the wish expressed by the Committee on the Elimination of Discrimination against Women (CEDAW) at its Sixth and Seventh Sessions, the report of the International Labour Office for the 12th Session of CEDAW includes, in addition to information about programmes and activities of the ILO as might promote the implementation of the Convention, information concerning the application by States-parties whose reports are on the agenda of the session of the Articles of the Convention falling within the scope of activities of the ILO.

This report contains information on the following States-parties: Bangladesh, France, Guatemala, Guyana, Iraq, Kenya, Republic of Korea, Madagascar, Nicaragua, Peru, Romania, Rwanda, Senegal, Sweden, the United Kingdom, Yemen and Zambia.

As concerns the application by States-parties of the relevant Articles of the Convention, the report indicates, for each State-party, the relevant ILO Conventions which it has ratified. In addition, it supplements the report of the State-party, wherever appropriate and possible, by referring to information supplied by the Government in its reports to the ILO under article 22 of the ILO Constitution on the application of the relevant ratified Conventions and in its reports under article 19 of the ILO Constitution on the application of non-ratified Conventions and Recommendations. Where appropriate, reference is also made to observations or requests made by the ILO supervisory bodies - the Committee of Experts on the Application of Conventions and Recommendations, and the Committee on the Application of Standards of the International Labour Conference.

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PART I

ILO activities, programmes and policy decisions which promote the implementation of the Convention

INTERNATIONAL LABOUR OFFICE

Activities, programmes and policy decisions of the ILO which promote the implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women

1. The ILO has been acting upon its overall strategy which aims at promoting equality of opportunity and treatment for women and men in employment and occupation and, at the same time, integrating gender issues across the board within all its programmes and means of action including research, information distribution, education, standard setting and technical cooperation. Several mutually reinforcing approaches and institutional arrangements have been coordinated in order to ensure the full participation of the various technical and regional departments and units throughout the Office to the overall strategy. A programme of gender training for ILO staff has started its initial stage of implementation in order to render ILO staff and, hence, activities, including technical cooperation, more sensitive to gender issues.

2. Since the adoption of the resolution concerning ILO action for women workers, at the 78th Session of the International Labour Conference, held in June 1991 (see Annex I: Resolution concerning ILO action for women workers), the ILO commitment to reinforce and intensify its action to accelerate progress towards equality of opportunity and treatment for women in employment has been strengthened. This resolution provides a mandate for stronger action, and solicits a series of practical measures to be taken by the Office to stimulate and assist governments, employers' and workers' organisations to put standards and policies of the ILO concerning equality of opportunity and treatment for women into effect.

3. In accordance with the resolution, the Programme and Budget of the ILO for 1992-93 designated the promotion of equality for women as one of its priority themes. Particularly responding to the need for a global integrated perspective to increase the impact and effectiveness of the ILO action in this field, a multidisciplinary interdepartmental project on Equality for Women in Employment has been launched. Its main objectives are: (1) to enhance the effectiveness of legislation in promoting equal rights in employment, by ensuring practical implementation and by identifying and revising legal provisions which sustain direct or indirect discrimination against women in employment; (2) to increase awareness of the obstacles to equality in the labour market, examine the reasons for the existence and persistence of these obstacles and propose ways of reducing and removing them; and (3) to examine policy options, strategies and practical measures that can be used by ILO constituents in order to promote equality.

4. Work items which are under way in the interdepartmental project include measuring wage differentials and job segregation, surveys on women's employment in flexible labour, improving maternity protection, examining procedures to implement the rights set out in law, information dissemination strategies on women's rights, equality and social security, new communication

strategies for diversifying women's skills and occupations, sexual harassment at work, women's participation in trade unions, collective bargaining and the promotion of equality and special positive action measures to promote equality for women in employment. A Conditions of Work Digest on Combating Sexual Harassment at Work will be published in September 1992 as the first completed work of the project.

5. The project's output, including up-to-date data, books and publications, seminars, training workshops, national advisory services and training manuals will provide a strong base for planning future action by the Office and its constituents. Many of its findings will be discussed at an International Forum on Equality for Women in a Changing World: Challenges for the Future, scheduled to be held in 1994.

6. Within the ILO's overall strategy for promoting equality of opportunity and treatment between men and women, technical cooperation is recognised as a means of promoting women's role as participants and beneficiaries in development. An emphasis on gender concerns has been shown to lead to an enhanced effectiveness of general technical cooperation activities for the whole beneficiary population.

7. In terms of financial support to women's projects the multi-bilateral programme clearly shows how increased attention is paid to women's active participation in technical cooperation activities. In 1987, for example, the ILO implemented 21 multi-bilateral-funded women-specific projects representing US$11.8 million and in 1992 the number had increased to 46 women-specific projects representing US$32.2 million. The multi-bilateral funding sources for women-specific projects represented in the period 1987-92 between 46 per cent and 58 per cent of total approvals. Other important financial sources include UNDP, UNCDF, UNFPA, UNIFEM, Development Banks and ILO's regular budget. Apart from a few large regional programmes in Africa, Asia and Latin America, most of the women-oriented projects are country-oriented and in the period 1987-92 the African region has had the largest technical cooperation programme specifically geared towards women.

8. As part of the strategy to promote international labour standards concerning equaity of opportunity and treatment, the Committee of Experts on the Application of Conventions and Recommendations is undertaking a general survey on the application in law and practice of the Workers with Family Responsibilities Convention, 1981 (No. 156), and its accompanying Recommendation (No. 165), pursuant to article 19 of the ILO Constitution. The general survey will be published in March 1993.

9. A general overview of activities carried out concerning equality in employment for women is presented regularly to the Committee on Discrimination of the ILO Governing Body. Particular emphasis is put on activities for the promotion of equality of opportunities and treatment for women in employment and the elimination of discrimination against women at work. (Copies of the most recent Governing Body paper (GB.253/CD/1/3) and report (GB.253/14/16) containing this information are attached as Annexes II and III.)

10. Selected ILO publications and/or documents related to the above-mentioned activities or other related activities are as follows:

1. ILO standards and action for the elimination of discrimination and the promotion of equality of opportunity in employment, ILO, Geneva, 1990.

2. ILO standards on women workers, ILO, Geneva, 1991.

3. Women and social security: Progress towards equality of treatment, A.M. Brocas, A.M. Cailloux and V. Oget, ILO, Geneva, 1990.

4. Gender and population in the adjustment of African economies: Planning for change, I. Palmer, Women, Work and Development No. 19, ILO, Geneva, 1991.

5. Equality of opportunity and treatment between men and women in health and medical services, Technical Report, ILO, Geneva, 1992.

6. Investing in women: Technical and scientific training for economic development, E.M. Byrne, Training Discussion Paper No. 62, ILO, Geneva, 1991.

7. Women entrepreneurs in Africa, M. Kuiper, Training Discussion Paper No. 68, ILO, Geneva, 1991.

8. Women and training for rural gainful activities (TRUGA), B.P.R. Baidya and G. Chandhari, Training and Discussion Paper No. 72, ILO, Geneva, 1991.

9. Statut de la femme: Une variable explicative de la dynamique demographique, L.N.M. Assogba, Travail et Population en Afrique Subsaharanne, Document de Travail No. 11, ILO, Geneva, 1991.

10. Inserción laboral y estratificación socioeconómica de la mujer en el area andina, M. Pollack and M. Villarreal, Documento de Trabajo No. 358, OIT, Santiago, 1991.

11. Critica, Communicación: La igualidad de oportunidades y trato para la mujer trabajadora: ¿Ideologia o prioridad para la acción?, P. Ulshoefer, OIT, Lima, 1991.

12. Women who go and women who stay: Reflections of family migration processes in a changing world, S.E. Findlay and L. Williams, Population and Labour Policies Programme, Working Paper No. 176, ILO, Geneva, 1991.

13. The window of opportunity: strategies for enhancing women's participation in technical cooperation projects, ILO, Geneva, 1991.

14. Namibian women and employment: Strategies and policies for the promotion of equal opportunity and treatment for women and men in employment in Namibia; Documents of a tripartite symposium held in Windhoek (25-29 November 1991).

15. Equality of opportunities for women, World Labour Report 1992, ILO, Geneva, 1992.

ANNEX I

Resolutions adopted by the International Labour Conference at its 78th Session

(Geneva, June 1991)

V

Resolution concerning ILO action for women workers

The General Office of the International Labour Organisation,

Recalling the resolution on equal opportunities and equal treatment for men and women in employment, adopted by the International Labour Conference at its 71st Session, many of whose provisions remain valid but unimplemented or not adequately implemented by governments and employers' and workers' organisations,

Noting that, in spite of the adoption by many governments of the principle of equality and of laws promoting equality, effective progress in this field is still very slow for the majority of working women, particularly in respect of equal pay and equal access to various types of employment as well as in terms of general working conditions,

Stressing that the unequal sharing of family responsibilities and the lack of adequate child-care facilities and other measures to enable women to fully participate in the labour force are major barriers to full equality for women at work,

Emphasising that collective bargaining and other joint action by employers' and workers' representatives and organisations are effective ways of challenging women's disadvantage at the workplace and of actually implementing measures for the elimination of discrimination and the promotion of equal opportunities,

Welcoming the project on equality for women in employment contained in the ILO Programme and Budget proposals for the 1992-93 biennium, which puts forward a strategy to deal with problems of inequality in employment and which indicates that the ILO continues to put a high priority on the promotion of equality of opportunity for women,

Bearing in mind the provisions of the Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value, 1951 (No. 100),

Recognising the need for a more adequate and effective participation of women in all ILO meetings and activities, bearing in mind the United Nations target of increasing the proportion of women in decision- and policy-making bodies to at least 30 per cent by 1995:

1. Appeals to governments and employers' and workers' organisations:

(a) to adopt comprehensive strategies to eliminate the continuing barriers to the equal participation of women in employment, including the desegregation of the labour market, the proper recognition and fair valuation of all work, including work which has traditionally been done

predominantly by women, and the adoption of measures to help women and men to reconcile work with familiy responsibilities;

(b) to include more women in their delegations to the International Labour Conference as well as to other major ILO meetings.

2. Calls upon the governments of ILO member States:

(a) to take adequate measures with a view to making the implementation of legislation on equality of opportunity and treatment more effective which may include the designation of a specialised agency responsible for the implementation of policies and programmes and for taking up complaints;

(b) to ratify and implement the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), with a view to eliminating all discrimination, notably in access to jobs and professions, education, vocational training, promotion at work and job security;

(c) to provide specialised training programmes, including where appropriate specific programmes for rural women, in order to upgrade their skills and improve their productivity as well as their income-earning opportunities;

(d) to promote positive action programmes with a view to ensuring full access for women to employment, promotion, educational training and retraining opportunities as well as the diversification of women's vocational options;

(e) to ratify and fully implement the Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value, 1951 (No. 100);

(f) to ratify and implement the Workers with Family Responsibilities Convention, 1981 (No. 156), and develop a set of measures to enable persons with family responsibilities to engage in employment without being subject to discrimination, including maternity and parental leave, family leave and the provision of child-care facilities;

(g) to adopt policies for the creation of full, productive and freely chosen employment and for the provision of all possible assistance to improve conditions in the informal sector for both men and women so as to encourage the formalisation of activities.

3. Calls upon employers' and workers' representatives and organisations to take all appropriate action, including through negotiations, in order to:

(a) promote equal opportunities and the removal of discrimination in recruitment, promotion and training;

(b) review job evaluation schemes to ensure that criteria for job classification and evaluation are free from sex bias and respect the principle of equal remuneration for work of equal value;

(c) make appropriate arrangements, according to national practice, for the inclusion of part-time workers in collective agreements which may include pro rata benefits as well as bonus payments, overtime and other payments to women workers on an equal basis;

(d) ensure adequate measures with respect to maternity leave, parental leave, career breaks and child-care facilities.

4. Invites the Governing Body of the International Labour Office to request the Director-General:

(a) to strengthen the ILO's action with a view to stimulating and assisting governments in the implementation of ILO standards concerning equality for women, in particular Conventions Nos. 100, 111 and 156;

(b) to prepare and distribute widely easily accessible information material for governments, employers, trade unions and women workers on ILO standards and policies concerning equality of opportunity and treatment between men and women in employment;

(c) to arrange for the convening of tripartite meetings with a view to developing guidelines, training and information materials on issues that are of specific and major importance to women workers, such as the practical implementation of the principles embodied in the Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value, 1951 (No. 100), methods of job evaluation free of sex bias and sexual harassment at the workplace;

(d) to study concrete proposals for increasing the number of women attending ILO meetings and activities and to urge governments and employers' and workers' organisations to increase, in accordance with the principle of equality of opportunity, the participation of women in their delegations to attend ILO meetings and activities;

(e) to pay increasing attention in all ILO activities to issues of equal opportunity for men and women, and propose appropriate items for the agenda of future ILO conferences and meetings.

ANNEX II

COMMITTEE ON DISCRIMINATION

First item on the agenda

ILO ACTIVITIES FOR EQUALITY OF OPPORTUNITY AND TREATMENT FOR MEN AND WOMEN IN EMPLOYMENT

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1. This paper provides information on major trends concerning women's activities, cutting across ILO programmes. It also provides information on the participation of women in technical meetings as well as in Turin Centre training courses. The Interdepartmental Project on Equality for Women in Employment is reported as a new integrated approach for combating discrimination.

2. The promotion of equality of opportunity and treatment between men and women was designated as a priority theme in the work of the Office for the 1990-91 and 1992-93 biennia. Organisational arrangements were undertaken to secure better coordination, enhancing the technical content of work relating to women and ensuring the integration of gender concerns in all ILO activities. These arrangements started with a new Office structure to deal with women's issues, which was reported to the Committee in November 1990.[1]

3. Activities related to women have since then been expanded and intensified, particularly in the developing regions, and have been reinforced by the progressive appointment of regional advisers for women workers' questions and supportive focal points in the field. The regional adviser for the Americas has been on duty since 1989 and the post for Africa has recently been filled. The selection process is currently under way for the regional advisers in Asia and the Pacific and in the Arab States.

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[1] GB.248/CD/5/4.

Major trends during 1990-91

4. The resolution concerning ILO action for women workers, adopted by the International Labour Conference at its 78th Session in 1991, stressed the main aspects calling for intensified work to assist member States in putting into practice the principles of equality, to which most of them have subscribed. With this in mind, emphasis was given to the overall supervision and promotion of the implementation of international labour standards of special importance for women. Advisory services, the dissemination of information and regional and national tripartite symposia on equality of opportunity and treatment were addressed to both industrialised and developing countries, in order to assist them in making legislation more effective and in implementing policies and practices to eliminate continuing barriers to equality.

5. Equality issues have increasingly featured as an integral part of policies and measures promoted by the Office in all labour matters. Activities concerning structural adjustment in developing countries and the transition to a market economy in central and eastern European countries have focused on: the particularly vulnerable situation of women; personnel policies for public sectors facing retrenchment; industrial relations and conditions of work affecting women in the expanding forms of flexible labour, home work and other atypical forms of employment; issues concerning sexual equality in effective tripartite consultation on adjustment problems; adequate strategies for training and retraining women; the impact of economic and social adjustment on rural women; equality issues in trade union activities in response to changing conditions, and other activities to counterbalance the adverse consequences of adjustment for employment and working conditions, in which women were a special target group.

6. The assistance given to governments and employers' and workers' organisations to alleviate poverty included special provisions to improve the situation of women, mainly in rural areas and in the urban informal sector, as well as older, disabled and refugee women. Women from poor households were a priority in policy and programme formulation to generate employment and income. The transfer of new, improved and appropriate technologies, together with the creation of opportunities for diversified training and self-employment schemes, were the focuses of action aimed at increasing the productivity and earnings of rural women. The strengthening of their productive activities and their impact on regenerating the environment was also supported by the promotion of rural women's organisations; and emphasis was given to the participation of women in rural workers' organisations.

7. Pervasive job segregation and women's difficulties in reaching decision-making positions demanded continual efforts in the area of training for non-traditional occupations in public and private formal-sector enterprises, and in improving women's managerial skills. The elaboration of a trainers' guide for training women entrepreneurs and several workshops for female managers and micro-entrepreneurs were aimed at facilitating small business entrepreneurship by women. Their involvement in cooperatives and self-help groups, with emphasis on thrift, savings and credit cooperatives, was encouraged by means of a multiple strategy which included the dissemination of information, practical guidelines, field research activities, advisory services, workshops and technical cooperation projects. Women's participation in trade unions and in workers' education programmes was also a crucial field of activities at the international, regional and national levels.

8. The unequal share of family responsibilities and the lack of adequate child-care facilities and other measures to alleviate the double burden that women accumulate because of their dual role as worker and mother,

have a definite repercussion on sex discrimination at work. Issues such as legislative provisions related to special working-time arrangements for working parents, maternity protection, child-care facilities and the protection of homeworkers have been major areas of work during the last biennium. A special section was recently created within the Conditions of Work and Welfare Facilities Branch to deal systematically with these and other issues affecting equal working conditions for men and women. Similarly, equality of treatment for women in social security deserved intensive work, which will be continued during the present biennium.

9. Some general improvements have taken place in the way women's concerns are being addressed by the Office. All major programmes have initiated a review concerning sexual equality issues in their main areas of activity, and are therefore better equipped to deal with these in their day-to-day work. Office databases are increasingly including sex indicators in data, and agenda items on women's concerns are increasingly being included in both internal and external meetings on various subjects. In accordance with the ILO policy of integrating women workers' questions fully into the overall programme of activities, a balance is gradually being achieved between activities specifically aimed at women and the inclusion of sexual equality issues in mainstream programmes.

Participation of women in ILO meetings

10. Bearing in mind the Conference resolution concerning ILO action for women workers which, inter alia, appealed to governments, employers' and workers' organisations "to include more women in their delegations to the International Labour Conference as well as to other major ILO meetings", a reporting system on participation in ILO meetings providing separate data on women has been adopted. Statistics on the participation of women in the International Labour Conference from 1975 were reported to the Committee in November 1991.[1] The appendix presents information on meetings convened by ILO headquarters' technical units in 1991.

Turin Centre activities

11. The International Training Centre of the ILO (Turin) defined two priority focuses for the integration of women: equality of opportunity for men and women in the world of work, and the strengthening of organisations representing women. During 1991, activities concentrated on women's access to technical training and to jobs for wage-earners and the self-employed, and on the promotion of female entrepreneurship. Six training courses and other activities including evaluation seminars, research and the production of promotional and training materials were specifically devoted to the integration of women.

12. The figures below show the rate of female participation in the overall training programme implemented during 1990-91. In 1991, one in every four participants was a woman (25.4 per cent); if women-specific training courses are excluded, the overall rate of female participation drops to 21.5 per cent.

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1 GB.251/CD/5/6.

Participation of women in Turin Centre training activities (1990-1991)

Type of training	1990			1991			TOTAL (1990-91)		
	M+F	F	F%	M+F	F	F%	M+F	F	F%
Management development	642	140	21.8	1 091	279	25.6	1 733	419	24.2
Industrial training	70	27	38.6	19	0	0.0	89	27	30.3
Trade union training	145	29	20.0	151	28	18.5	296	57	19.3
Labour administration/ Working conditions	28	0	0.0	97	21	21.7	125	21	16.8
Cooperatives	69	20	29.0	117	41	35.0	186	61	32.8
Employment creation/ Rural development	42	20	47.6	52	14	26.9	94	34	36.2
Training technology	261	94	36.0	378	132	34.9	639	226	35.4
Computer applications	32	17	53.1	45	5	11.1	77	22	28.6
Energy resources	33	16	48.5	--	--	--	33	16	48.5
Environmental management	19	4	21.1	--	--	--	19	4	21.1
Labour relations	--	--	--	17	1	5.9	17	1	5.9
Technical meetings	--	--	--	26	1	3.8	26	1	3.8
Other training activities	154	55	35.7	206	36	17.5	360	91	25.3
Total	1 495	422	28.2	2 199	558	25.4	3 694	980	26.5

Technical cooperation activities

13. Technical cooperation activities in favour of women workers have continued, both in the form of women-specific projects and through defined components to benefit women in general projects. Efforts have been increased to include women's interests and needs as central issues in ongoing projects, by providing briefings, guidelines, training and advisory services to project staff and counterparts. The Department of Technical Cooperation worked together with the technical and field units in screening new project proposals to ensure that the sexual equality perspective was appropriately reflected. Such efforts were particularly intense during 1991 in view of UNDP's new fifth programming cycle.

14. Multidisciplinary missions to certain countries either included a specialist on women in development, or the teams were briefed on how to tackle sexual equality issues in their assignments. New technical cooperation projects increasingly include such considerations in their terms of reference, thus making it possible to specify, monitor and evaluate the expected results concerning the improvement of the situation of women.

Interdepartmental project on equality for women in employment

15. The interdepartmental project on equality for women in employment was included in the Programme and Budget for 1992-93 in recognition of the need for a coherent, multidisciplinary approach to increase the effectiveness of ILO activities in this field. Its main objectives are: (1) to enhance the

effectiveness of legislation in promoting equal rights in employment, by ensuring practical implementation and by identifying and revising legal provisions which sustain direct or indirect discrimination against women in employment; (2) to increase awareness of the obstacles to equality in the labour market, examine the reasons for the existence and persistence of these obstacles and propose ways of reducing and removing them; and (3) to examine policy options, strategies and practical measures that can be used by ILO constituents in order to promote equality.

16. Eight ILO departments, the Turin Centre and the field structures are involved in the implementation of the project. Improved methodologies and statistical data for measuring wage differentials as well as job segregation are being developed. Studies on women's employment in flexible labour in developing countries undergoing structural adjustment, and also in eastern European countries in transition towards a market-oriented economy are being undertaken.

17. Law and practice regarding maternity protection is being reviewed in order to make recommendations for improvements at the national and international levels. Other work items include an examination of the procedures to implement women's rights set out in law, and, in particular, the right to equal pay; the design of effective strategies for the dissemination of information on women's rights; and the assessment of social security systems to identify elements furthering the unequal treatment of men and women, and forms of social protection for workers in the unorganised sectors.

18. New communication strategies, including social marketing techniques for diversifying women's skills and occupations, and measures for protection against sexual harassment at the workplace, are being tackled to combat obstacles to equality. An issue of the Conditions of Work Digest is currently under preparation on sexual harassment at work.

19. The participation of women in trade unions, collective bargaining practices concerning equality, and experience with affirmative-action activities are being reviewed as policies and practical measures to promote sexual equality in labour-related fields.

20. The project's output, including up-to-date data, seminars, training workshops, national advisory services and training manuals will provide a strong base for planning future action by the Office and its constituents. It will also comprise an integral part of the ILO's contribution to the United Nations Fourth World Conference on Women in 1995, and of those made to the regional preparatory conferences to be convened in 1993 and 1994.

21. An International Forum on Equality for Women in a Changing World: Challenges for the Future, will be organised by the ILO in 1994 under the auspices of the International Institute for Labour Studies. This meeting is intended to make proposals for a future agenda for action by the ILO and its member States, based on the findings of the interdepartmental project and other activities carried out by the ILO and other organisations. The Office also intends to include a general discussion on equality for women in employment among the items to be proposed to the Governing Body for the agenda of the 1995 Session of the International Labour Conference.

Coordination within the United Nations system

22. Relations within the UN system strengthened as preparations for the 1995 World Conference on Women began. The Office participated in the annual meeting of the UN Committee on the Elimination of Discrimination Against

Women, held in January 1991 and 1992; at the Interagency Consultation, and at the policy seminar on the Integration of Women in Development, both held in December 1991. The Office was also represented at the Sixteenth Ad-Hoc Inter-Agency Meeting on Women and at the 36th Session of the UN Commission on the Status of Women, held in March 1992.

23. According to decisions of the Commission, the final document of the Fourth World Conference on Women should comprise a limited number of issues and provide concise, action-oriented guidelines to accelerate the implementation of the Nairobi Forward-Looking Strategies for the Advancement of Women, adopted in 1985. The concentration on "women's issues" in isolation was one of several difficulties identified by the Commission, impeding the Forward-Looking Strategies and their implementation at all levels - national, regional and international. All preparatory activities, and the Conference itself, will therefore focus on questions of special importance to women in the context of the population as a whole, aiming to reach out to men as well as women. The main concern is to ensure the participation of women in global debates and the inclusion of women's perspectives in international economic policies, democratisation processes and global governance. Within the framework of the three priority themes chosen for the 1995 Conference - equality, development and peace - labour issues and the contribution of the ILO are crucial areas for the advancement of the situation of women towards the end of the century.

Geneva, 18 May 1992.

ANNEX III

Fourteenth item on the agenda

REPORT OF THE COMMITTEE ON DISCRIMINATION

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1. The Committee on Discrimination met on 25 May 1992 under the chairmanship of Mr. Pedersen (Government, Denmark). In the absence of Mr. Chanaiwa, Miss Hak acted as Employer Vice-Chairman. Mr. Tapiola was elected Worker Vice-Chairman, in replacement of Mr. Blondel.

2. The Committee had the following agenda:

(1) ILO activities for equality of opportunity and treatment of men and women in employment;

(2) Information supplied by governments and by employers' and workers' organisations on action taken against apartheid;

(3) Report of the Tripartite Conference on Southern Africa (Harare, 5-8 May 1992);

(4) Reports of the eighth and ninth meetings of the Group of Independent Experts to follow up on and monitor the implementation of sanctions and other action against apartheid;

(5) Terms of office of the Group of Independent Experts to follow up on and monitor the implementation of sanctions and other action against apartheid;

(6) Other questions.

3. The representative of the Director-General (Mr. Maier, Deputy Director-General, Standards and Labour Relations Sector) welcomed the new

Worker Vice-Chairman, and introduced Mr. Bartolomei, who had replaced Mr. Sidibé on his retirement as Director of the International Labour Standards Department.

ILO activities for equality of opportunity and treatment of men and women in employment

4. The Committee had before it a paper[1] giving information on major trends in ILO activities concerning women in 1990-91, women's participation in ILO meetings and Turin Centre courses, technical cooperation activities, the interdepartmental project on equality for women in employment and collaboration between the ILO and other organisations within the United Nations system.

5. A representative of the Director-General (Mrs. Ducci, Special Adviser on Women Workers' Questions) introduced the paper. She highlighted the concentration of activities on national policies concerning equality between men and women, and on strategies and practical measures to counteract the risks that women workers were facing as a result of economic and social changes, in particular of structural adjustment in developing countries and the opening of centrally planned economies to international markets in Eastern Europe. Women were a special target group in the fight against poverty and in practical activities designed to improve their access to gainful employment in the informal sector and the traditional rural sector. Special emphasis had been placed on promoting the organisation of women and their participation in decision-making at all levels. Mrs. Ducci described the interdepartmental project on equality for women in employment as an integrated approach to tackle the problems faced by women at work. She drew attention to the need to adapt the strategies to promote equality to the specific needs of member States, in particular by reinforcing the capacity of the ILO regional structure to incorporate women's concerns systematically in all activities. She recalled that the ILO would be expected to provide a substantial contribution to the Fourth United Nations World Conference on Women, to be held in 1995.

6. The Employer Vice-Chairman expressed satisfaction with the work done by the Office, particularly on the interdepartmental project on equality for women in employment. As regards the regional advisers for women workers' questions, she stressed that they should cover not only women workers but also women entrepreneurs. She requested information on how the regional advisers would relate to the multidisciplinary teams to be set up in the regions. The Employers' group was of the view that the Office was placing too much emphasis on legislation and standards, whereas the first priority for the developing countries was employment creation. In this connection, she requested the ILO to listen carefully to the needs of the target groups. Regarding the forthcoming World Conference on Women, she requested the Office to submit a paper to the Committee at a later date. As for the participation of women in ILO meetings, she considered that the table on page 9 provided an adequate summary and, therefore, the table on the preceding pages were not altogether necessary. She invited the ILO constituents to exert greater efforts to increase women's participation.

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[1] GB.253/CD/1/3.

7. The Worker Vice-Chairman complained about the late distribution of the documents for the Committee's meeting. Regarding the paper under the first item, the Workers' group considered that it did not address a number of issues requested at previous meetings of the Committee, for example the specific problems which women faced under structural adjustment. He requested the Office to prepare profiles on these problems in future papers for the Committee. He welcomed the progress of the interdepartmental project, which responded to the resolution concerning ILO action for women workers adopted by the Conference in June 1991. The increasing coordination within the UN system was commendable, and the results of the interdepartmental project and of the International Forum on Equality for Women in a Changing World would provide an appropriate ILO contribution to the UN World Conference on Women. He questioned the rationale for organising the International Forum under the auspices of the International Institute for Labour Studies. He requested the Office to make concrete proposals for increasing the participation of women at meetings in accordance with the resolution adopted by the International Labour Conference in 1991, and to provide information on the review of equality issues by major programmes, as requested by the Workers' group at a previous meeting. He regretted that the Office had not responded to the group's long-standing request for a report on the use of non-discriminatory language. Acknowledging the data on the participation of women in ILO meetings, he recognised that all groups including the Workers should pursue their efforts to increase women's participation. Nevertheless, a full analysis of the statistics would have contributed towards a better understanding of the real significance of the figures. In connection with the regional advisers on women workers' questions for Asia and the Pacific, and for the Arab States, he urged the Office to speed up the selection process.

8. The representative of the Government of Germany requested explanations on the total figures on the participation of women in ILO meetings provided in the Appendix.

9. The representative of the Government of Denmark expressed his Government's support for ILO activities on the promotion of equality between men and women and particularly for the interdepartmental project, though it was still too early to assess its success. Regarding statistics on participation of women in ILO meetings he observed that, the more important a meeting was, the fewer the number of women who participated in it. He was of the view that the Office paper should have commented on the statistics contained in the Appendix and should have also suggested ways of dealing with the problem.

10. The representative of the Government of Argentina expressed appreciation for the Office paper and supported the request for proposals on how to deal with the inadequate participation of women in ILO meetings.

11. The representative of the Government of the United States commended the Office efforts to establish databases including indicators by sex. She perceived this work to be critical and often undervalued, and encouraged the Office to continue it. Regarding the statistics on the participation of women in ILO meetings, she stated that both the general and detailed data were useful and that the figures spoke for themselves. She emphasised that all three groups needed to work to increase women's participation. With respect to the issue of standards versus job creation, she stressed that the Office needed to focus on both. She also urged the Office to continue its close collaboration with the organisations of the UN system, centred around the preparations for the 1995 World Conference on Women, as equality for women in the workplace was a prerequisite for women's equality in the world.

12. Mrs. Ducci thanked the speakers for their valuable comments and answered the questions raised. She explained that the last column in the statistical appendix on women's participation in ILO meetings included observers and experts in addition to government, employers' and workers' delegates. She pointed out that a special appeal for women's participation was included in letters of invitation to ILO meetings. Concerning non-discriminatory language, the Office had begun a study on the experiences of other organisations, which would be reported in the future. The Office was dealing simultaneously with legislative and practical measures, in order to achieve a balance and complementarity between them. With respect to the relationship between the regional advisers and the multidisciplinary teams, the matter was being examined to ensure that equality issues would be dealt with appropriately at the field level.

13. The Worker Vice-Chairman stated that trade union experience regarding non-discriminatory language as well as on sexual harassment and other kinds of discrimination should be made use of by the Office.

14. The Committee took note of the Office paper.

PART II

Information on the following countries whose reports are on the agenda of the 12th Session

- Bangladesh
- France
- Guatemala
- Guyana
- Iraq
- Kenya
- Madagascar
- Nicaragua
- Peru
- Republic of Korea
- Romania
- Rwanda
- Senegal
- Sweden
- United Kingdom of Great Britain and Northern Ireland
- Yemen
- Zambia

BANGLADESH

Relevant ILO Conventions ratified by Bangladesh

Bangladesh has ratified the following ILO Conventions, which deal specifically with women or contain provisions dealing specifically with women:

- Underground Work (Women) Convention, 1935 (No. 45) (ratification: 1972);
- Night Work (Women) Convention (Revised), 1948 (No. 89) (ratification: 1972);
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratification: 1972).

Information available to the ILO since the date of the Government's initial report

1. Night work

In its report of 1974 on the application of the Night Work (Women) Convention (Revised), 1948 (No. 89), the Government declared that the prohibition of night work for women has not been suspended; in 1989 the Government reports that no contravention has been reported.

2. Underground work

In its report of 1975 on the application of the Underground Work (Women) Convention, 1935 (No. 45), ratified in 1972, the Government declared that section 23 of the Constitution prohibits the employment of women in any mine either below ground or above ground.

FRANCE

Relevant ILO Conventions ratified by France

France has ratified the following ILO Conventions which deal specifically with women or contain provisions dealing specifically with women:

- Maternity Protection Convention, 1919 (No. 3) (ratified in 1950);
- White Lead (Painting) Convention, 1921 (No. 13) (ratified in 1926);
- Underground Work (Women) Convention, 1935 (No. 45) (ratified in 1938);
- Night Work (Women) Convention (Revised), 1948 (No. 89);*
- Equal Remuneration Convention, 1951 (No. 100) (ratified in 1953);
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratified in 1981);
- Employment Policy Convention, 1964 (No. 122) (ratified in 1971);
- Maximum Weight Convention, 1967 (No. 127) (ratified in 1973);
- Human Resources Development Convention, 1975 (No. 142) (ratified in 1984);
- Workers with Family Responsibilities Convention, 1981 (No. 156) (ratified in 1989);
- Termination of Employment Convention, 1982 (No. 158) (ratified in 1989).

Information available to the ILO since the date of the Government's initial report

1. Equality of remuneration

In 1992, the Committee of Experts on the Application of Conventions and Recommendations made, inter alia, the following direct request concerning the application of the Equal Remuneration Convention, 1951 (No. 100):

> "In its previous direct request, the Committee had noted that, despite the progress since 1983, a significant number of agreements adopted in recent years have not included a clause on equal remuneration, nor a clause on occupational equality more generally. The Committee hopes that the next report will contain information on further developments in this respect.
>
> The Committee hopes that the next report will contain information on the activities of the Higher Council for Occupational Equality to promote the application of the principle of equal remuneration for work of equal value."

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* France has denounced this Convention.

2. Night work

In its report of 1992, the Government communicated the denunciation by France of the Night Work (Women) Convention (Revised), 1948 (No. 89), ratified in 1953, stating that the reason was to avoid a conflict with its international commitments. Indeed, "a judgement of the Court of Justice of the European Communities (Stoeckel case 345/89 of 25 July 1991) noted the inconsistencies between French legislation relating to night work and Directive 76/207 concerning equal working conditions for men and women".

The denunciation was registered on 26 February 1992 and will take effect as from 26 February 1993.

Furthermore, "the Ministry of Labour, Employment and Vocational Training has just announced that legislation on improved working conditions for all night workers is currently being drafted".

Also, "the procedure for approval of Convention No. 171 concerning night work in general, adopted by the General Conference of June 1990" is to be initiated.

3. Underground work

In its report of 1992 on the application of the Underground Work (Women) Convention, 1935 (No. 45), ratified in 1938, the Government stated the following with regard to article 2 of the Convention:

> "Section L.711-3 of the Labour Code stipulates: 'No female shall be employed in underground work in mines or quarries'.
>
> Following the enactment of Act No. 83-635 of 13 July 1983 laying down the principle of non-discrimination between men and women in the performance of a job or occupation, a request was made in 1985 to the effect that this section L.711-3 should be amended in order to exempt persons referred to in article 3 of ILO Convention No. 45 from the prohibition on the employment of women in underground work. No action has to date been taken concerning that request for an amendment."

And, with regard to article 3 of the Convention:

> "There are no exceptions to the prohibition on the employment of women in underground work."

4. Maximum weight

In its report of 1989 on the application of the Maximum Weight Convention, 1967 (No. 127), ratified in 1973, the Government indicated that article R.234-6 of Act No. 76-1106 of 6 December 1976 defines the maximum weights that may be carried by young workers under 18 years of age and by women as follows:

Maximum load weights:

Adult males: 55 kg (over 55 kg and up to 105 kg, if deemed fit);

Adult females: 25 kg

Young workers:

- Males aged 14 or 15 years: 15 kg
  aged 16 or 17 years: 20 kg

- Females aged 14 or 15 years: 8 kg
  aged 16 or 17 years: 10 kg

5. White lead

In its report of 1940 on the application of the White Lead (Painting) Convention, 1921 (No. 13), ratified in 1926, the Government stated that the Decree of 21 March 1914 gave effect to those provisions of the Convention that relate to work hazardous to women and children.

GUATEMALA

Relevant ILO Conventions ratified by Guatemala

Guatemala has ratified the following ILO Conventions which deal specifically with women or contain provisions dealing specifically with women:

- White Lead (Painting) Convention, 1921 (No. 13) (ratified in 1990);
- Underground Work (Women) Convention, 1935 (No. 45) (ratified in 1960);
- Night Work (Women) Convention (Revised), 1948 (No. 89) (ratified in 1952);
- Equal Remuneration Convention, 1951 (No. 100) (ratified in 1961);
- Maternity Protection Convention (Revised), 1952 (No. 103) (ratified in 1989);
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratified in 1960);
- Employment Policy Convention, 1964 (No. 122) (ratified in 1988);
- Maximum Weight Convention, 1967 (No. 127) (ratified in 1983).

Information available to the ILO since the date of the Government's initial report

1. Equality of remuneration

In its report of 1992 on the application of the Equal Remuneration Convention, 1951 (No. 100), the Government stated that "the law provides for equality of opportunity and equality of pay for equal work performed. Naturally, different minimum wages apply to jobs of different natures, and, where jobs are of equal value, the wage must in no case be less than that for work of a different nature. The salary or wage is in effect the total pay received by a worker for performing a predetermined job, and may in no circumstances be less than the minimum remuneration agreed for the occupation concerned."

In 1992, the Committee of Experts on the Application of Conventions and Recommendations made, inter alia, the following direct request:

> "The Committee recalls that the Convention refers to equal remuneration for work of equal value, and requests the Government to supply information on the practical application of this principle to men and women workers performing jobs of a different nature, but of an equal value."

2. Equality in employment

In its report of 1990 on the application of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Government states that "the draft of the new substantive Labour Code has been submitted to the Congress of the Republic and been passed at its first reading" and that "the draft of a new Code of Labour Procedure has also been submitted. Both drafts incorporate most of the observations made by the ILO Committee of Experts on the Application of Conventions and Recommendations".

The Government further states that "the General Labour Inspectorate reports that 35 charges have been brought for changes in working conditions, 68 for dismissal of pregnant workers or for discrimination against women solely on the grounds of pregnancy, 54 for dismissal during the nursing period, and 11 for reprisals taken against workers demanding their rights, making a total of 168 violated orders or established infringements".

3. Night work

In its report of 1989 on the application of the Night Work (Women) Convention (Revised), 1948 (No. 89), the Government states that, with the exception of nurses and domestic servants and any other cases established by the regulations or, failing which, by the General Labour Inspectorate, women are prohibited from performing night work.

4. Underground work

In its report of 1989 on the application of the Underground Work (Women) Convention, 1935 (No. 45), the Government states that section 148 of the Labour Code prohibits women from working in unhealthy and dangerous occupations; also, article 159 of the Mining Act recognizes the application of labour legislation to the performance of mining work.

5. White lead

In its first report of 1992 on the application of the White Lead (Painting) Convention, 1921 (No. 13), the Government states that article 2 of "Governmental Agreement No. 475-91 prohibits the use of white lead, sulphate of lead and any other product containing these pigments, except in the form of paste or of paint ready for use".

6. Maximum weight

In its report of 1989 on the Maximum Weight Convention, 1967 (No. 127), the Government supplied, inter alia, the following information:

> "The Convention is applied at all places of employment where the manual transportation of loads is carried out." Also, "labour legislation lays down that the work of young people and women must be appropriate, in particular, to their age, physical condition and intellectual and moral development. The Health and Safety at Work Section of the Guatemalan Institute of Social Security has prepared a draft agreement relating to the maximum weights that workers may carry.

This draft is currently being studied by the Technical Board of the Guatemalan Institute of Social Security. Prior to promulgation, the draft will be sent, for consultation purposes, to the most representative organizations of employers and workers."

(Also see the ILO report for the Tenth Session of the CEDAW.)

GUYANA

Relevant ILO Conventions ratified by Guyana

Guyana has ratified the following ILO Conventions, which deal specifically with women or contain provisions dealing specifically with women:

- Underground Work (Women) Convention, 1935 (No. 45) (ratified in 1966);
- Equal Remuneration Convention, 1951 (No. 100) (ratified in 1975);
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratified in 1975);
- Human Resources Development Convention, 1975 (No. 142) (ratified in 1983).

Supplementary information available to the ILO since the report submitted to the Tenth Session

1. Equality of remuneration

In its report of 1992 on the application of the Equal Remuneration Convention, 1951 (No. 100), the Government informs that:

> The minimum wages set by the Government for those workers who are not unionised make no distinction between male and female workers. The labour inspection services ensure that employers comply with the wages prescribed. In addition, the collective agreements countersigned by the Ministry provide for categories of workers and make no distinction on the basis of sex.
>
> The Government is presently conducting a job evaluation exercise for employees in the public service; as soon as this exercise is completed specimen copies will be forwarded for your perusal.
>
> The amendment of section 24(2)(f) of the Factories Act is still under consideration by the authorities.

2. Equality in employment

In its report of 1992 on the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Government declared that the Equal Rights Act, Act No. 19 of 1990, has been adopted. It also states that:

The Employment of Women, Young Persons and Children Act, Chapter 99:01, has been amended to exclude all references to women. In the meantime the Public Officers Insurance Act, Chapter 27:10, is in the process of being examined with a view to amendment.

The Government has noted the observations made by the Committee of Experts in relation to facilitating the access of women to education, vocational training etc., and wishes to point out that all aspects of education and vocational training are open to women in Guyana.

There is no data available at the moment on the number of women employed in the private and public sectors.

No judgements have been handed down by the Appellate Tribunal concerning questions of discrimination.

3. Underground work

In its first report of 1967 on the application of the Underground Work (Women) Convention, 1935 (No. 45), the Government declared that "no female, of any age, and no male child under the age of 14 years, shall be employed for hire in any capacity in connection with the working of a mine underground".

IRAQ

Relevant ILO Conventions ratified by Iraq

Iraq has ratified the following ILO Conventions which deal specifically with women or contain provisions dealing specifically with women:

- White Lead (Painting) Convention, 1921 (No. 13) (ratified in 1966);
- Night Work (Women) Convention (Revised), 1948 (No. 89) (ratified in 1967);
- Equal Remuneration Convention, 1951 (No. 100) (ratified in 1963);
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratified in 1959);
- Employment Policy Convention, 1964 (No. 122) (ratified in 1970);
- Human Resources Development Convention, 1975 (No. 142) (ratified in 1978).

Information available to the ILO since the date of the Government's initial report

1. Equality of remuneration

In 1992, the Committee of Experts on the Application of Conventions and Recommendations made the following direct request concerning the application of the Equal Remuneration Convention, 1951 (No. 100):

> "In its direct request of 1988, the Committee pointed out that section 4 (II) of the Labour Code of 1987 provides for equal remuneration only for 'work of the same nature and same volume carried out in identical conditions', whereas, under the terms of the Convention, equal remuneration shall apply to all work 'of equal value'. The Committee notes, according to the Government's last report, that equality of remuneration for men and women workers who perform work of equal value, even if it is of a different nature, is applied through the work rules in the establishments that are covered by the Labour Code. It requests the Government to supply copies of these work rules in its next report.
>
> With regard to bonuses and indemnities that are supplementary to wages, the Committee notes the Government's statement to the effect that they are determined as a function of the results of the enterprise and that they are assigned through agreements negotiated between organizations of employers and workers. The Committee would be grateful if the Government would supply copies of such agreements at the enterprise, corporation or other levels, as well as tables showing the distribution of bonuses and indemnities by category of worker and between men and women workers.
>
> The Committee also notes that it does not have at its disposal recent information enabling it to assess the manner in which the principle of equal remuneration, as set out in the legislation, is

applied in practice. It would therefore be grateful if the Government would supply in its next report:

(i) salary scales applicable in the public service, indicating the distribution of men and women at the various levels;

(ii) the text of collective or other agreements fixing wage levels in various sectors, indicating if possible the percentage of women covered by these collective agreements and the distribution of men and women at the various levels;

(iii) statistical data on wage rates and average earnings of men and women, if possible by occupation, branch of activity, seniority and skill level, as well as information on the corresponding percentage of women.

Furthermore, the Committee requests the Government to supply information on the measures that have been taken to supervise the application of legal provisions relating to equal wages and, in particular, on the activities of the labour inspection services (infringements noted and sanctions imposed) and on decisions handed down by the courts."

2. Equality in employment

In its report of 1990 on the application of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Government states that there is permanent coordination among the "training administrations, professional federations and workers' trade unions on the matter of discrimination. No gender-based distinctions are made by the vocational training centres with regard to access to their training courses".

"Also, the General Federation of Iraqi Women is continuing to organize training courses in various professions and trades with a view to integrating women into the labour market.

The practical application of Resolution No. 480 (1989) enables women graduates to be appointed to posts on the basis of their specialized fields, to be assigned to one-year training courses with a view to their employment as nurses and, under subsection 3 (c) of the Resolution, to undergo in-service training without being required to train prior to their appointment. It can thus be seen that in practice there are no restrictions as regards the jobs accessible to women."

In 1992, the Committee of Experts on the Application of Conventions and Recommendations made, inter alia, the following direct request:

"With regard to Resolution No. 480 of 25 July 1989 concerning the employment of women graduates in the administration of the State and the socialist and mixed sectors, the Committee notes that this Resolution aims in practice to enable women graduates to be appointed to nursing posts while attending one-year compulsory training courses. The Committee again asks the Government to specify the jobs prohibited to women under section 1 of the Resolution which specifically concerns women and the wage conditions and classification applying to them (section 2)."

3. Employment policy

In its report of 1991 on the application of the Employment Policy Convention, 1964 (No. 122), the Government supplied the following information:

"The development plans formulated up to 1990 made it possible to absorb all persons seeking work, including women, young people and the disabled. However, the development plan was hampered during 1991 because of the war of aggression against Iraq, the maintenance of the economic blockade and the freezing of assets abroad."

4. Night work

In its report of 1986 on the application of the Night Work (Women) Convention (Revised), 1948 (No. 89) the Government provided the following information:

"The above-mentioned Convention is implemented by the provisions of chapter 6 of the 1970 Employment Act (Amended) (Law No. 151), which relates to the work of women. Article 79 of this Act prohibits women from undertaking night work in industry and from being employed in occupations or conditions that are arduous or harmful to health.

By 1983, the number of women working in industry was 16,498 in the public sector and 15,537 in the private sector.

According to the reports of the competent inspection commissions, there have been no infringements of the law in regard to the employment of women."

5. White lead

In its report of 1984 on the application of the White Lead (Painting) Convention, 1921 (No. 13), the Government referred to section 4 of the 1970 Employment Act (Amended) (Act No. 151), which "prohibits the employment of male workers under 18 years of age and of women in industrial painting work involving constituents of lead, except when such persons are engaged for the purpose of their vocational training and for a limited period."

KENYA

Relevant ILO Conventions ratified by Kenya

Kenya has ratified the following ILO Conventions, which deal specifically with women or contain provisions dealing specifically with women:

- Underground Work (Women) Convention, 1935 (No. 45) (ratified in 1964);
- Night Work (Women) Convention (Revised), 1948 (No. 89) (ratified in 1965);
- Human Resources Development Convention, 1975 (No. 142) (ratified in 1979).

Information available to the ILO since the date of the Government's initial report

1. Human resources development

In its report of 1991 on the application of the Human Resources Development Convention, 1975 (No. 142), the Government gives information on "The Craft Training Scheme":

> The training is intended to produce good and skilled craftsmen to man all the facets of the economy. Emphasis is on practical skills and 70 per cent of the training is supposed to be practical and 30 per cent theory.
>
> Any person irrespective of sex, race or religion who has completed secondary education and is not less than 15 years of age may apply. The person is however expected to be medically and physically fit as provided in the Act.
>
> The emphasis on training is for employment rather than higher learning. The institutions running this scheme must be recognised by the National Industrial Training Council.

In its report of 1990, the Government provided the following information on a number of projects which have been designed to help overcome the obstacles facing disabled persons:

> The major projects are funded by ILO/UNDP. The ILO is the executing agency while the coordinating agency is the Ministry of Culture and Social Services in collaboration with the Ministry of Manpower Development and Employment and other NGOs. There is a four-year comprehensive national programme whose objective is that "Disabled men and women throughout Kenya be economically self-reliant, earning income from accelerated informal and small-scale enterprise sector employment in their own communities or competing successfully for urban private sector employment". The project will be built upon strengthening previous ILO vocational rehabilitation projects to expand the centres at district and

local levels to include employment-creation activities. This will be achieved through continued cooperation with NGOs and UN agencies which will help establish "self-help" work groups and cooperatives of the disabled persons.

2. Night work

In its report of 1989 on the application of the Night Work (Women) Convention (Revised), 1948 (No. 89), the Government pointed out that they are proposing to amend section 28(1) of the Employment Act, 1976, i.e. the discriminatory clause which prohibits women from performing work in any industrial undertaking between the hours of 6.30 p.m. to 6.30 a.m.

3. Underground work

In its report of 1976 on the application of the Underground Work (Women) Convention, 1935 (No. 45), ratified in 1964, the Government states that the Employment of Women, Young Persons and Children Act, Cap. 227, was recently repealed and consolidated with the new Employment Act (No. 2 of 1976), section 30.

MADAGASCAR

Relevant ILO Conventions ratified by Madagascar

Madagascar has ratified the following ILO Conventions which deal specifically with women or contain provisions dealing specifically with women:

- White Lead (Painting) Convention, 1921 (No. 13) (ratified in 1960);
- Equal Remuneration Convention, 1951 (No. 100) (ratified in 1962);
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratified in 1961);
- Employment Policy Convention, 1964 (No. 122) (ratified in 1966);
- Maximum Weight Convention, 1967 (No. 127) (ratified in 1971).

Information available to the ILO since the date of the Government's initial report

1. Equality of remuneration

In its report of 1989 on the application of the Equal Remuneration Convention, 1951 (No. 100), the Government referred to section 61 of the Labour Code, which lays down that all workers, irrespective of national extraction, sex, age and status, shall receive equal pay for work of the same nature involving the same skill and output. With regard to the fixing of wages, section 63 of the Labour Code stipulates that "Decrees, promulgated after consultation with the National Council for Employment, shall establish wage areas and guaranteed minimum inter-occupational wages, and - in the absence of collective or establishment agreements - minimum wages by job grade".

The Government adds that these agreements lay down methods for fixing the wages of the workforce concerned. Occupations are "classified by job category, each category being linked to an index that corresponds to the remuneration paid, and there is no gender-based discrimination since the job alone determines the wage. In cases where wages are fixed by collective agreements, the situation is the same with regard to the basic wage. At present, the state of the Employment Ministry's budget does not allow any evaluation to be made either of real wages or of jobs with a view to an objective appraisal of occupations according to their value."

Furthermore, seniority premiums and performance-related bonuses are in some cases added to the basic wage, although the bonuses in question are not taken into consideration in the calculation of paid leave or various other allowances. Performance-related bonuses are not mandatory, nor are they governed by regulations.

2. Equality in employment

In 1992, the Committee of Experts on the Application of Conventions and Recommendations made, inter alia, the following direct request concerning the

application of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111):

> "The Committee notes the indications that access to employment in the public sector is in principle obtained through direct or vocational competitions and that the general conditions of service of the public service also allow recruitment on the basis of qualifications and the recruitment of contract employees who are not officials. It notes that, for the latter, selection tests are organized by the ministries that employ them so that the applicants with the most satisfactory results are recruited.
>
> Finally, the Committee would be grateful to be provided with information on the number of women employed in this sector and their proportion in relation to men, and on the number of women employed in posts of responsibility in the public administration.
>
> As regards access to vocational training, the Committee notes with interest that the Constitution guarantees equality of all persons to education and vocational training, and that this principle is also contained in the Labour Code and in Act No. 78-040 of July 1978 establishing the general framework of the education and training system. The Committee also notes the Government's indications that, in the public sector, vocational training is provided by public bodies and various ministerial departments, within the framework of specific legislation for each training centre, which also sets out the conditions of access to such training. The Government adds that there are at present 92 vocational training centres in the country operating directly under ministerial institutions or departments. In most of these cases, the centres prepare future officials for the public administration, although a number of centres provide training in the fields of health care, agriculture and the crafts. The centres are open equally to men and women, and access to them is through competitions or tests. As regards the private sector, the Government indicates that various enterprises provide vocational training that is intended to improve the level of their own staff and to provide them with promotion, and it refers to a number of training centres set up by these enterprises. The Committee notes this information and requests the Government to supply details in its next report on how access to these training centres is obtained in practice for persons fulfilling the conditions laid down for admission to the centres, irrespective of their race, sex, religion, political opinion and ethnic extraction. Please also supply statistics on the number of persons who have attended these training centres (listed by sex and ethnic extraction)."

3. Employment policy

In its report of 1990 on the application of the Employment Policy Convention, 1964 (No. 122), the Government refers to the assistance received from the International Labour Office and from other international organizations in the establishment of the 1986-1990 employment policy plan. The Government also mentions a number of projects, including Project UNDP-ILO-MAG 82.005 launched in 1978 for the development of small-scale industries. Its 1986 evaluation draws attention to, inter alia,

the jobs created in rural areas through two new handicraft cooperatives employing 20 women who had no initial training and were previously without work.

4. White lead

In its report of 1983 on the application of the White Lead (Painting) Convention, 1921 (No. 13), the Government states that Decree No. 62-52 of 28 March 1962 prohibits women and children under 10 years of age from working with white lead.

5. Maximum weight

In its report of 1979 on the application of the Maximum Weight Convention, 1967 (No. 127), the Government states that Decree No. 62-152 of 28 March 1962 defines the working conditions for children, women and pregnant women. Chapter II, article 6 fixes the maximum weight that may be carried by women at 25 kg.

NICARAGUA

(Also see the ILO report for the Eighth Session of the CEDAW.)

Relevant ILO Conventions ratified by Nicaragua

Nicaragua has ratified the following ILO Conventions which deal specifically with women or contain provisions dealing specifically with women:

- Maternity Protection Convention, 1919 (No. 3) (ratified in 1934);
- White Lead (Painting) Convention, 1921 (No. 13) (ratified in 1934);
- Underground Work (Women) Convention, 1935 (No. 45) (ratified in 1976);
- Equal Remuneration Convention, 1951 (No. 100) (ratified in 1967);
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratified in 1967);
- Employment Policy Convention, 1964 (No. 122) (ratified in 1981);
- Maximum Weight Convention, 1967 (No. 127) (ratified in 1976);
- Human Resources Development Convention, 1975 (No. 142) (ratified in 1982).

Supplementary information available to the ILO since the ILO report submitted to the Eighth Session

1. Equality of remuneration

In 1990, the Committee of Experts on the Application of Conventions and Recommendations made the following direct request concerning the application of the Equal Remuneration Convention, 1951 (No. 100):

> "The Committee notes the Government's reply to its previous comments. It notes the explanations provided concerning the significance of the terms 'adapted to their social responsibility' which appear in article 82, paragraph 1, of the Political Constitution of 1987 following the terms 'equal wages for equal work in identical conditions'. The Committee requests the Government to keep it informed of any development, and in particular any judicial decision that specifies the scope of these terms.
>
> In its previous comments, the Committee also pointed out that the principle of equal remuneration, as set out in the Constitution, appears to be narrower in scope than the principle set out in the Convention, which refers to equal remuneration for work 'of equal value'. (Please see in this connection the explanations given in paragraphs 52 to 70 of

the 1986 General Survey on Equal Remuneration.) Nevertheless, the Committee noted that, according to the Government's statements, the reference to equal work in identical conditions is interpreted in practice as applying to work of equal value and that a classification of jobs is being established with the participation of the trade unions concerned, based on an appraisal of the jobs.

The Committee once again requests the Government to indicate the progress that has been achieved in this connection and to supply a copy of the new job classification and applicable wage rates. The Committee also requests the Government to provide information on the methods and criteria used to establish this new classification, and on how the application of the principle of equal remuneration for work of equal value is ensured in practice for wages that are higher than the minimum rate, such as wages fixed by individual contracts or collective agreements, particularly in sectors employing a large proportion of women, including the public administration. Please also supply copies of some of the most recent collective agreements."

In its report of 1991 on the application of Convention No. 100, the Government states the following:

"- The Government of Nicaragua maintains its position to the effect that the phrase 'equal pay for equal work in identical conditions' is in practice the same as the phrase in the Convention which reads 'equal remuneration ... for work of equal value';

- Owing to non-availability of relevant data, we do not know whether the classification of jobs announced by the previous Government was carried out. A classification of occupations, beginning with the public sector, is in course of preparation but has still to be completed."

2. Employment discrimination

In 1991, the Committee of Experts on the Application of Conventions and Recommendations took note of the following information communicated by the Government concerning the application of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111):

"The Women's Bureau has been collaborating in the preparation of draft legislation that has transformed the legal status of women and the family, with a view to the elimination of gender-based discrimination and inequality before the law. Noteworthy among such instruments are the law governing parent-child relationships, the Maintenance Payments Act, the Adoption Act and the constitutional provisions relating to the status of women and the family. The Women's Bureau is also actively involved in campaigning against the maltreatment of women, by providing for their defence, by constant public condemnation, and by studying and formulating proposals for action."

In its report of 1991 on the application of Convention No. 111, the Government states, in connection with the activities undertaken by the Women's Bureau, that "the Bureau operated in line with the previous Government's

political aims, and we have been informed that it is in the process of closing down. However, an Institute for Women has been established".

3. Human resources development

In 1992, the Committee of Experts on the Application of Conventions and Recommendations stated, inter alia, the following in connection with its direct request concerning the application of the Human Resources Development Convention, 1975 (No. 142):

"The Committee takes note of the conclusions and recommendations of the report prepared for the Government of Nicaragua by the ILO in its capacity as executing agency for the UNDP of the ILO/DANIDA project (ILO/DANIDA/NIC/80/2) 'Strengthening the national training system and employment services'. Please indicate the measures taken as a result of these recommendations, with particular reference to the participation of employers and workers (see article 5), the training of female workers and the vocational training policy. In this connection, the Committee suggests that the Government refer to the relevant provisions of the Human Resources Development Recommendation, 1975 (No. 150)."

4. Maternity protection

In its report of 1991 on the application of the Maternity Protection Convention, 1919 (No. 3), the Government provided the following information:

"- Although we are aware of the validity of the Committee's comments, our country's current economic situation does not allow the Government to bear the cost of maternity cash benefits for female workers not covered by the social security system."

In 1992 the Committee of Experts on the Application of Conventions and Recommendations made the following observation:

"In its last report the Government indicates that it is conscious of the validity of the Committee's previous comments, although the present economic situation in the country does not allow it to assume the cost of cash benefits for women not yet covered by the social security scheme. The Committee notes this statement; it nevertheless reiterates its hope that the extension of the social security scheme might take place gradually, so that maternity cash benefits be paid throughout the national territory in conformity with article 3 (c) of the Convention by means of a system of insurance, and not by the employer.

The Committee therefore asks the Government to provide, in its next report, information on any further extension of the social security scheme (maternity cash benefits) to all women workers employed in industrial and commercial undertakings covered by this instrument. Please also supply any statistical information on the geographical coverage of the social security scheme, as far as maternity cash benefits are concerned."

5. Night work

In 1991, the Committee of Experts on the Application of Conventions and Recommendations made, inter alia, the following observation with regard to the application of the Night Work (Women) Convention, 1919 (No. 4):

> "The Committee refers to its previous comments in which it pointed out that the national legislation contained no provision prohibiting the employment of women during the night. The Government indicated in a previous report that there was a general consensus against the adoption of such provisions, which would be discriminatory towards women. The Government then indicated in another report that consultations were under way with women's organizations and trade-union organizations with a view to the ratification of Convention No. 89, which is more flexible. The Committee once again requests the Government to indicate whether these consultations have been completed and, if so, their outcome.
>
> The Committee also considers it useful to recall the comments that it made in 1986 (paragraphs 69 to 71 of the General Report) on the question of the application of Conventions on the night work of women and recalls that, at its 77th Session (1990), the International Labour Conference adopted the Night Work Convention (No. 171) and the Protocol to the Night Work (Women) Convention (Revised), 1948."

In its report of 1991 on the application of Convention No. 4, the new Government stated that it was "unaware of the outcome of the consultations held by the previous Government". With regard to the Night Work (Women) Convention (Revised), 1948 (No. 89), the new Government "will assess the advisability of ratifying the Convention after consulting the country's most representative organizations of employers and workers, in accordance with the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)."

6. Underground work

In its report of 1979 on the application of the Underground Work (Women) Convention, 1935 (No. 45), the Government states that section 126 of the Labour Code stipulates that "women may not be employed in underground work in mines or in occupations deemed to be beyond their strength or harmful to their physical health or moral welfare".

7. Maximum weight

In its report of 1981 on the application of the Maximum Weight Convention, 1967 (No. 127), the Government stated the following:

> "Section 183 of the Labour Code is being amended to read as follows:
>
> Paragraph 2: The following maximum limits shall be observed in the manual transportation of loads in which young women and men are engaged:

Males up to 16 years of age ..... 35 pounds

Females up to 18 years of age ..... 20 pounds

Males from 16 to 18 years of age ..... 50 pounds

Females from 18 to 21 years of age ..... 25 pounds

Females of 21 years of age or over ..... 50 pounds."

8. White lead

In its report of 1966 on the application of the White Lead (Painting) Convention, 1921 (No. 13), the Government states that section 4 of the Labour Code prohibits the employment of women and persons under eighteen years of age in industrial painting work in which products referred to by the Convention are used.

PERU

(Also see the ILO report for the Eighth Session of the CEDAW.)

Relevant ILO Conventions ratified by Peru

Peru has ratified the following ILO Conventions which deal specifically with women or contain provisions dealing specifically with women:

- Underground Work (Women) Convention, 1935 (No. 45) (ratified in 1945);
- Equal Remuneration Convention, 1951 (No. 100) (ratified in 1960);
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratified in 1970);
- Employment Policy Convention, 1964 (No. 122) (ratified in 1967);
- Workers with Family Responsibilities Convention, 1981 (No. 156) (ratified in 1986).

Supplementary information available to the ILO since the ILO report submitted to the Eighth Session

1. Equality of remuneration

In its report of 1990 on the application of the Equal Remuneration Convention, 1951 (No. 100), the Government supplied the following information:

> "Private sector: The application of the principle, as set out in the Convention, to work of a different nature but of equal value performed by men and women is ensured in practice.
>
> In our country, this principle is applied in collective bargaining agreements, under which rates of remuneration are determined according to, inter alia, category, skill and effort, although this cannot be taken to imply any discrimination based on sex.
>
> Furthermore, the application of this principle is guaranteed by the Government through the methods used to establish minimum statutory earnings, minimum living wages and cost-of-living allowances, whereby minimum levels of remuneration are fixed for private-sector workers with no gender-based distinctions.
>
> Public sector: In the public administration, the law on conditions of service governing administrative posts and remuneration in the public sector has been approved by Decree Law No. 276. This law lays down that the grading of civil servants has to be based on a system of individual merit and qualifications, and that rates of remuneration are to be fixed for senior or managerial officials according to the specific posts held and for normal civil servants according to individual grades.

Supreme Decrees No. 057-86-PCM and No. 107-87-PCM, which implement the above criteria, have been approved. These decrees lay down categories of pay for civil servants on the basis of educational status, training, seniority and performance evaluation, irrespective of the post occupied and regardless of whether the post is held by a man or a woman."

In its report of 1991, the Government states that there have to date been no plans to amend article 43, paragraph II, of the Constitution so that it expressly includes the concept of equal remuneration for work of equal value, because it believes that this article encompasses the notion of work of equal value and has the advantage of being clearer and more precise, since the notion of "value" is not very easy to objectify. Article 43 of the Constitution stipulates that "Workers, whether male or female, shall be entitled to equal remuneration for equal work performed, in identical conditions, for the same employer".

2. Equality in employment

On 31 May 1983 the law governing the right to security of employment (Act No. 24514) was promulgated. Under its article 25, subparagraphs (g) and (h), any repeated harassment of a worker because of his or her political, trade-union or community activities, religious beliefs or race, and any morally offensive conduct or sexual harassment or behaviour constituting an affront to a worker's dignity, are deemed acts of hostility on the part of the employer or his representatives.

In its report of 1987 on the application of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Government stated the following:

"Article 24, subsection 2, of Act No. 23506 lays down that action of appeal on constitutional grounds to uphold the right of non-discrimination based on sex, race, religion, opinion or language shall be admissible."

Act No. 25155, which entered into force in December 1989, prohibits the inclusion of gender-based distinctions in regulations, statutes or other rules of sports, social and cultural institutions.

In its report of 1991, the Government supplied the following information concerning the activities of the Special Commission for Women's Rights (established under Supreme Decree No. 016/86 of 12 December 1986, the regulations governing its organization and functions appearing in Ministerial Order No. 007/87 of 12 January 1987):

"(1) Organization and operation of the Special Commission for Women's Rights through the active involvement of various sectors of the State, the University of Peru, and non-governmental organizations;

(2) Organization and active involvement of a working committee comprising women of high repute in the field of the status of women;

(3) Funding for its activities by the Ford Foundation with the co-sponsorship of the Catholic University of Peru;

(4) Activities undertaken with the aim of comparing government policies relating to discrimination against women in the areas of education, health, employment, agriculture, the law and urban services with the actual status of women in the country:

(a) Successive workshops held over a two-month period in each of the above-mentioned areas, attended by sectoral officials, researchers and women representing grass-roots organizations (50 people in each case);

(b) Seminar on policies for the advancement of women and the promotion of their rights, attended by officials from all the regional departments of the country, representatives of non-governmental organizations, and women from grass-roots organizations (150 people);

(c) Preparation of diagnostic studies on each of these areas;

(d) Drafting of a final report on the workshops and seminar, including the conclusions reached (report not published owing to lack of funds);

(e) Publication of the diagnostic studies carried out.

(5) The purpose of these activities was to plan the sectoral action of the Special Commission for Women's Rights and to propose policy-making action, whether in the form of draft legislation or specific measures within each sector, based on recommendations stemming from the conclusions reached at the above-mentioned events;

(6) A high level of recognition was achieved and hopes were engendered in both the public and the private (specialized) sectors regarding the issue of women in the public administration.

The single final text of the law relating to the justice sector has been approved by Supreme Decree No. 011-90-JUS. The Special Commission for Women's Rights was not included in the structure of the system of justice, the role of the Council for Juveniles and the Family having been expanded instead."

Also, in its supplementary report of the same year, the Government stated the following:

"In recent years, major advances have been made in integrating women into the labour market, various mechanisms having been set up for that purpose, enabling women to gain access to technical assistance in terms of loans and training, particularly in depressed marginal urban/rural areas where the rate of women's participation was high."

3. Employment policy

In its report of 1991 on the application of the Employment Policy Convention, 1964 (No. 122), the Government provided the following information:

"It should be pointed out that problems of employment chiefly affect young wage-earners and women, which is why the new Government's initial efforts are being directed primarily at these population groups."

In title V, chapter I (Employment Promotion) of Decree Law No. 728, supplied by the Government, the categories of worker that will be able to benefit in priority from the special employment programmes include "women, of any age, with family responsibilities".

4. Workers with family responsibilities

In its report of 1988 on the application of the Workers with Family Responsibilities Convention, 1958 (No. 156), the Government supplied, inter alia, the following information:

"With regard to the measures adopted to give effect to those provisions of the Convention that call for action by the authorities, we must point out that in our country it is assumed as a basic premise that the greater part of the population has family responsibilities, whether towards children or towards other family members. For that reason, no specific reference is made in our legislation to workers with family responsibilities, the only instances being those appearing in the wording of the Constitution.

Also, provision is made for workers with family responsibilities in the legally-binding collective agreements concluded between employers and workers, under which such workers are granted allowances based on the extent of their responsibilities.

In the public sector, various measures have been introduced to make day-care facilities available for workers' children, which clearly helps to provide assistance to employees in the performance of their duties."

In 1992, the Committee of Experts on the Application of Conventions and Recommendations made, inter alia, the following direct request:

"The Committee observed that the national legislation contained no specific references to workers with family responsibilities and that no plan or programme had apparently been so far adopted to enable persons with family responsibilities to exercise their right to work without discrimination and, to the extent possible, without conflict between those responsibilities and their employment."

The Committee once again draws the attention of the Government to the fact that, under article 3, every Member State is obliged to make it an aim of national policy to enable persons with family responsibilities to engage in employment without being subject to discrimination. While the adoption of a national policy to assist workers with family responsibilities has to be formulated within the context of a policy of equal opportunity and equal treatment for male and female workers, the measures called for under article 3 are more specific.

5. Underground work

In its report of 1985 on the application of the Underground Work (Women) Convention, 1935 (No. 45), the Government stated the following:

"The subject-matter of this Convention is regulated by provisions contained in Act No. 2851 of 23 November 1918. Specifically, article 12 of the Act stipulates: 'Also, women ... are prohibited from performing underground work in mines or quarries and any other such work which, in the opinion of the Executive, may be harmful to their health or moral welfare'."

REPUBLIC OF KOREA

The Republic of Korea became a member State of the ILO in 1991 but has not yet ratified any ILO Convention.

ROMANIA

(Also see the ILO report for the Tenth Session of the CEDAW.)

Relevant ILO Conventions ratified by Romania

Romania has ratified the following ILO Conventions, which deal specifically with women or contain provisions dealing specifically with women:

- Maternity Protection Convention, 1919 (No. 3) (ratified in 1921);
- White Lead (Painting) Convention, 1921 (No. 13) (ratified in 1925);
- Night Work (Women) Convention (Revised), 1948 (No. 89) (ratified in 1957);
- Equal Remuneration Convention, 1951 (No. 100) (ratified in 1957);
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratified in 1973);
- Employment Policy Convention, 1964 (No. 122) (ratified in 1973);
- Maximum Weight Convention, 1967 (No. 127) (ratified in 1975).

Supplementary information available to the ILO since the ILO report submitted to the Tenth Session

1. Equality of remuneration

In 1992, the Committee of Experts on the Application of Conventions and Recommendations made, inter alia, the following request on the application of the Equal Remuneration Convention, 1951 (No. 100):

> The Committee notes from the report of the Government, the adoption of the Law concerning Wages (Law No. 14 of 1991) which repeals most of the legislative texts relevant to wage fixing, adopted prior to 1989. The Committee notes that the new legislation, which proscribes discrimination on various grounds, including sex (as concerns the basic wage, supplements and pay raises) provides for the setting of a basic wage for all workers, according to the skill, nature and complexity of the tasks involved and on the basis of the educational and training level. (Section 1(3).) Wage supplements and pay raises are awarded by reference to the results obtained, the conditions of work and seniority. (Section 1(4).) The Law also provides for the setting of a national minimum wage below which no wage, however fixed, must be paid. (Section 5(1) and (2).)
>
> The Committee also notes that Article 38(4) of the new Constitution adopted by referendum on 8 December 1991 guarantees women the right to

"the same pay as men for equal work". Referring to its General Observation of 1990, where the Committee emphasised the importance of including in national legislation, a definition of equal pay consistent with that provided for in the Convention, the Committee hopes that the Government will take all measures to ensure that legislation also protects women against discrimination in remuneration for "work of equal value".

2. Equality in employment

In 1992, the Committee of Experts on the Application of Conventions and Recommendations made, inter alia, the following observation on the application of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111):

The Committee notes with satisfaction ... that Act No. 30 of 15 November 1990, concerning the recruitment of employees on the basis of abilities, prohibits distinctions based on political, ethnic or denominational (religious) criteria, sex, age or economic situation.

The Committee notes that it has not received information on the promotion of equality between men and women for a number of years. It requests the Government to provide information on the measures taken or contemplated to prevent discrimination on the grounds of sex and to promote equality of opportunity and treatment between men and women, and on the results obtained with regard to:

- access to vocational training;
- access to employment and to a particular occupation;
- terms and conditions of employment;
- retention of employment.

3. Employment policy

In its report of 1990 on the application of the Employment Policy Convention, 1964 (No. 122), the Government provides the following information:

In early 1990, 10,945.7 thousand people (45.2 per cent women) out of the global workforce in the country, which amounted to 13,482 thousand people (6,444.4 women) were employed in one of the national economy branches (38.1 per cent industry, 7 per cent building and 27.5 per cent agriculture). 8,004 thousand people were hired on wages, which meant 189 thousand more than in 1989.

The depreciation of physical work in agriculture and inadequate diversification of work in the rural environment brought about the exodus of the young people into the large industrial towns and significant imbalance in the demographic structure of their native region. The number of women and old people employed has increased significantly especially in cooperative farming where, during the last ten years, the percentage of over 50 years old employees has increased from 52 to 60 per cent and the number of women employed/1,000 men employed has increased from 1367 to 1584.

The generalisation of reduced workweek (according to the Decree No. 95/1990), maternity leave for mothers of under one year old children (according to the Decree No. 31/1990), entitlement to old age pension at a lower age (according to the Law-Decree No. 60/1990), encouragement of free initiative (according to the Decree No. 54/1990) have been working as key factors to release the pressure on the labour market, both for the time being and for the near future.

The large number of unemployed people foreseen during the period of transition to market economy require several adequate measures, which led to working out the Law concerning the social protection of unemployed people and their professional reconversion, which has been submitted to the Parliament. The Law is meant to protect every person able to work, who cannot get suitable employment on account of insufficient available workplaces.

In the "Tripartite Subregional Seminar on the Promotion of Equality of Opportunity and Treatment in Employment in Central and Eastern Europe", held by the ILO in Prague, 14-18 October 1991, it was reported that women already constituted over 50 per cent of the unemployed in Romania.

4. Night work

In its report of 1986 on the application of the Night Work (Women) Convention (Revised), 1948 (No. 89), the Government declared that in the Labour Code, article 153 establishes some exceptions but generally night work for women is prohibited.

5. Maximum weight

In its report of 1989 on the application of the Maximum Weight Convention, 1967 (No. 127), the Government declared that national legislation lays down principles for protecting women and young workers under 18 years of age; and that articles 318 and 383 of the Republic Standards on Protection at Work (Normes Républicaines de la protection du travail) fix as maximum weight 50 kg for men and 12 kg for women and young workers.

RWANDA

(See the ILO report for the Ninth Session of the CEDAW.)

Relevant ILO Conventions ratified by Rwanda

Rwanda has ratified the following ILO Conventions which deal specifically with women or contain provisions dealing specifically with women:

- Night Work (Women) Convention (Revised), 1948 (No. 89) (ratified in 1962);
- Equal Remuneration Convention, 1951 (No. 100) (ratified in 1980);
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratified in 1981).

Supplementary information since the ILO report to the Ninth Session

1. Equality of remuneration

In its report of 1991 on the application of the Equal Remuneration Convention, 1951 (No. 100), the Government referred to Ministerial Order No. 887/06 of 21 October 1980 amending Ministerial Order No. 221/09 of 3 May 1976, which "lays down job categories and corresponding minimum wages and also seniority allowances. This Ministerial Order allows no gender-based distinctions: every worker is paid according to his or her job category. No collective agreements concerning the application of the provisions of this Convention have been concluded".

In 1992, the Committee of Experts on the Application of Conventions and Recommendations made, inter alia, the following direct request:

> "The Committee points out that section 82 of the Labour Code provides that 'under equal conditions as to work, vocational skill and efficiency, wages shall be equal for all workers irrespective of sex'.
>
> The Committee draws the Government's attention to the wording of article 1, subparagraph (b), of the Convention, which specifies that equal remuneration for men and women means 'for work of equal value'.
>
> Furthermore, the Committee noted previously that the labour administration made use of section 181 of the Labour Code to penalize employers who contravened the principle of equal wages laid down in section 82 because no specific penalty for non-compliance with section 82 was prescribed by the Code. The Committee therefore asks the Government to take measures for the prescription by law of specific penalties for any breach by employers of the principle of equal remuneration for men and women."

2. Night work

In its report of 1985 on the application of the Night Work (Women) Convention (Revised), 1948 (No. 89), the Government provided the following information:

> "Section 121 of the Labour Code stipulates that 'women, irrespective of age, may not be employed during the night in any industrial undertaking or in any branch thereof, with the exception of the medical services attached thereto'."

SENEGAL

(See the ILO report for the Seventh Session of the CEDAW.)

Relevant ILO Conventions ratified by Senegal

Senegal has ratified the following ILO Conventions which deal specifically with women or contain provisions dealing specifically with women:

- **White Lead (Painting) Convention, 1921 (No. 13) (ratified in 1960);**
- **Night Work (Women) Convention (Revised), 1948 (No. 89) (ratified in 1962);**
- **Equal Remuneration Convention, 1951 (No. 100) (ratified in 1962);**
- **Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratified in 1967);**
- **Employment Policy Convention, 1964 (No. 122) (ratified in 1966).**

Supplementary information since the ILO report to the Seventh Session

1. Equality of remuneration

In 1992, the Committee of Experts on the Application of Conventions and Recommendations made a direct request concerning the application of the Equal Remuneration Convention, 1951 (No. 100), in which it stated, inter alia:

> "As concerns the private sector, the Committee noted in its previous comments that section 104 of the Labour Code provides that for equal conditions of work, occupational qualifications and output, wages shall be equal for all workers. It noted that the same provisions are contained in the inter-occupational collective agreement. The Committee referred to paragraphs 19 to 21 and 44 to 65 of its 1986 General Survey on Equal Remuneration, pointing out that provisions of this kind can be taken to allow wage discrimination on the basis of sex, depending on how they are applied in practice.
>
> The Government has sent with its report a copy of the above-mentioned collective agreement, which, in section 36, provides that 'the wages of each worker are determined on the basis of the job which he occupies'. The collective agreement goes on to provide, in section 39, for a system of occupational categories, for which wages are determined by a Joint Inter-occupational Wages Committee. This appears to correspond to a job-evaluation system for fixing wages."

2. Equality in employment

In its report of 1991 on the application of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Government pointed out, inter alia, that:

"The number of girls admitted to the various training courses offered by the National Professional Qualification Centre (CNQP) is still very small compared with the number of boys (see attached statistical table). This phenomenon cannot be explained simply in terms of a lack of information directed at girls; it is also a question of girls' having to overcome the cultural barriers to their access to jobs that have traditionally been held by men. The number of girls sitting the entrance examination in fact rose from 41 in 1985-86 to 110 in 1990.

The Government is planning, as part of its public information campaign, to make employers aware of the need for girls to have access to in-house training opportunities in occupations traditionally performed by men."

3. Employment policy

In 1992, the Committee of Experts on the Application of Conventions and Recommendations made, inter alia, the following direct request concerning the Employment Policy Convention, 1964 (No. 122):

"Please indicate whether a follow-up is still being carried out in respect of the National Plan of Action for Women to which the Committee has referred in its earlier comments. Please provide information on measures already being implemented or under consideration to satisfy the needs of this category of the active population."

4. Night work

In its report of 1965 on the application of the Night Work (Women) Convention (Revised), 1948 (No. 89), the Government states that the following legislation gives effect to the provisions of the Convention: Act No. 61-34 of 15 June 1961 establishing a Labour Code; Order No. 804/AP of 21 February 1947 (Official State Gazette, 1 March 1947); Order No. 4214 of 26 June 1953 (Official Gazette of 11 July 1953) and Order No. 5254.IGTLS-AOF of 19 July 1954.

SWEDEN

Relevant ILO Conventions ratified by Sweden

Sweden has ratified the following ILO Conventions, which deal specifically with women or contain provisions dealing specifically with women:

- White Lead (Painting) Convention, 1921 (No. 13) (ratified in 1923);
- Underground Work (Women) Convention, 1935 (No. 45);*
- Equal Remuneration Convention, 1951 (No. 100) (ratified in 1962);
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratified in 1962);
- Employment Policy Convention, 1964 (No. 122) (ratified in 1965);
- Human Resources Development Convention, 1975 (No. 142) (ratified in 1976);
- Workers with Family Responsibilities Convention, 1981 (No. 156) (ratified in 1982);
- Termination of Employment Convention, 1982 (No. 158) (ratified in 1983);

Information available to the ILO since the date of the Government's initial report

1. Equality of remuneration

On the Government's report of 1992 on the application of the Equal Remuneration Convention, 1951 (No. 100), the following comments were submitted by the Swedish Trade Union Confederation (LO):

> LO has observed the distinct tendency for women's average earnings to decline in relation to men's within the LO collective. We are concerned at this development and in June 1991 the LO Congress commissioned LO, as part of its work on a new policy for working life and pay structures, to devise models and methods for enhancing the valuation of women's jobs. This development work is proceeding in collaboration with the LO federations. Women's earnings also have high priority for discussions between LO and its member federations prior to the 1993 pay talks.
>
> LO feels that it is important that work to overcome the segregation of the sexes in the labour market should continue, so that more women can be induced to apply to jobs where men predominate. This, however, is not

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* Sweden has denounced this Convention.

an instant recipe for greater equality of opportunity at work and smaller pay differentials between the sexes. The most important means to these ends is for women to be allowed to develop in the jobs which they have today and for better rates of pay to be attached to the work which women do.

The Government joined to its report the Act concerning equality between women and men (the Equal Opportunities Act) issued on 7 June 1991 and in force as from 1 January 1992 (SFS 1991:433) in Swedish. The translation into English is not yet available.

The Government explained that:

> The contents of the new Act agree with the proposals put before the Riksdag in February 1991 (Government Bill 1990/91:113) and described at length in the 1991 report on measures taken to give effect to the provisions of Convention No. 111 (pp. 3-6). It is particularly noteworthy that the new Act implies an intensification on the prohibition of discriminatory rates of pay.
>
> Section 18 of the new Act, which corresponds to section 4(1) of the previous Act, reads as follows:
>
> > Unlawful discrimination on grounds of sex shall be deemed to exist when an employer applies to one employee a lower rate of pay or otherwise inferior terms of employment than are applied to employees of the opposite sex, where the work which they perform is equal or is to be considered equivalent in the labour market.
> >
> > This does not apply, however, if the employer can show that the differences in terms of employment are due to differences in the employees' objective qualifications for the job or that they are not, in each individual case, connected, directly or indirectly, with the employees' sex.
>
> The amendment is intended to give the court more scope for deciding in which situations jobs are to be deemed equal or considered equivalent in the labour market. Although the possibilities of comparing equivalent jobs are augmented, the amendment also implies slightly less scope for pleading pay discrimination in connection with equal work.
>
> The Act includes still more rules which are especially relevant on the subject of pay. Section 2 reads as follows:
>
> > Employers and employees shall cooperate for the achievement of equality between women and men at work.
> >
> > They shall particularly endeavour to equalise and prevent differences of pay and in other conditions of service between women and men doing work which is equal or which is to be considered equivalent.
>
> This section stresses the responsibility of both employer and employee to join in equalising and preventing differences in pay. The section carries no sanctions but is more in the nature of an indication by the legislature of the responsibilities of the parties in this field and of the importance of pay questions in the promotion of equal opportunities.

The Government states that it appointed, in June 1991, a special investigator to study the nature and causes of pay differentials between women and men and various possible ways of overcoming pay discrimination of women in the labour market. The terms of reference (Direktiv 1991:61) require the special investigator to shed general light on wage formation and wage developments for women and men respectively, and especially the development of such pay differentials within or between different branches of economic activity and occupational fields. It should among other things be possible to illustrate the development of pay differentials by means of examples from a limited number of occupations representing different sectors of the labour market. An assessment should be presented of the wage statistics needed in order for statistical information of adequate quality to be supplied concerning rates of pay and wage movements for women and men.

The investigator should submit an analysis of different causal relations underlying the existing pay differentials between women and men. In doing so, the importance of the following factors should be treated:

- segregation of the sexes in the labour market and at workplaces;
- part-time employment and responsibility for unpaid work in the home;
- the trend in favour of individualised wage-setting and local agreements;
- the influence of market forces on wage-setting;
- wage formation in the private as compared with the public sector;
- traditional values concerning male and female in the labour market;
- the domination of the collective bargaining system by men; and
- work organisation, recruitment and training at the workplace.

Furthermore, and partly in the light of international experience, the investigator should present advantages and disadvantages of job valuation as a method of comparing jobs normally done by women and men respectively. The investigator should present what are believed to be the preconditions for a gender-neutral job valuation procedure gaining a foothold in the Swedish labour market and the requirements posed by current Conventions etc. to which Sweden is a party.

The investigator should report not later than the end of 1992.

The Government also reported that according to the equal opportunities ombudsman (JämO), pay differentials between men and women have been tending to increase lately.

2. Equality in employment

In its report of 1992 on the application of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Government

Labour force data for 1989 and 1990

Year/sex	In the labour force	Relative participation rates (%)	Relative unemployment rates (%)
1989			
Swedish and foreign nationals, aged 16-64			
Women	2 170 100	82.2	1.4
Men	2 357 300	86.8	1.3
Both sexes	4 527 400	84.5	1.4
Foreign nationals, aged 16-64			
Women	110 800	70.6	3.4
Men	126 100	76.8	3.5
Both sexes	237 000	73.8	3.4
Swedish nationals, aged 16-64			
Women	2 059 300	83.0	1.0
Men	2 231 200	87.4	1.0
Both sexes	4 290 400	85.2	1.0
Nordic nationals, aged 16-64			
Women	58 700	79.7	2.5
Men	54 400	81.0	2.2
Both sexes	113 100	80.3	2.3
1990			
Swedish and foreign nationals, aged 16-64			
Women	2 195 200	82.6	1.5
Men	2 381 900	87.0	1.5
Both sexes	4 577 000	84.8	1.5
Foreign nationals, aged 16-64			
Women	119 300	70.8	3.6
Men	138 600	77.9	4.3
Both sexes	257 900	74.4	4.0

Year/sex	In the labour force	Relative participation rates (%)	Relative unemployment rates (%)
Swedish nationals, aged 16-64			
Women	2 075 900	83.4	1.07
Men	2 243 300	87.6	1.05
Both sexes	4 319 100	85.5	1.06
Nordic nationals, aged 16-64			
Women	60 400	80.1	2.4
Men	57 700	81.9	3.4
Both sexes	118 000	80.9	2.9

Source: Arbetskraftsundersökningarna (AKU).

3. Workers with family responsibilities

In its report of 1990 on the application of Workers with Family Responsibilities Convention, 1981 (No. 156), the Government indicated a number of changes which had been made to parental insurance, inter alia:

> The rules for computation of temporary parent's allowance for child care for periods of less than 14 days were altered on 1 December 1987. The new rule is designed to give 90 per cent compensation for loss of earnings. Above all this represents an improvement for parents employed part time and on shift work.
>
> Under provisions in force between 1980 and 1988, benefit was payable for up to 60 days per child annually to both parents combined. Qualifying situations are illness or infection affecting the child or the person normally caring for it and visits to public preventive child health care. The child must be under 12 years old (under ten before 1980). As from 1 July 1985, this insurance applies in certain cases to children aged up to 16. In addition, the father is specially entitled to compensation for up to ten days in connection with the birth of a child ("ten-day benefit"). Two annual contact days for children between the ages of 4 and 12 years (for visits to day nurseries, schools etc.) were added in 1986.

The Government also provided the following information:

> The legislation on compensation and leave of absence for the care of next-of-kin entered into force on 1 July 1989. It is too early yet to evaluate any significance of this reform and the use which will be made of it. The term next-of-kin is taken to include not only actual relatives but also other persons close to the individual concerned, e.g. friends and neighbours. The carer(s) is/are entitled to leave of absence from work while receiving compensation.

JämO is not in any way responsible for the enforcement of the Parental Leave Act. However, as reported earlier, the Office of the Equal Opportunities Ombudsman may receive complaints from both women and men, alleging breaches of the Parental Leave Act by their employers. Cases of this kind are often concerned with transfers to other duties, but they can also involve such matters as non-promotion within the company after parental leave, boycotting in local pay talks and pressure to resign. JämO finds that the safeguards in sections 10 and 11 of the Parental Leave Act are weak, which makes it very difficult for employees to obtain a remedy in the event of malpractice by an employer.

4. Underground work

In 1967 the Government presented the "Instrument of Denunciation" concerning the Underground Work (Women) Convention, 1935 (No. 45), ratified in 1936. The denunciation was registered in June 1967 and took effect as from 15 June 1968. The reasons put forward, inter alia, by the Government were that:

> By an Act of 6 June 1962 (No. 248) the special provisions contained in the Workers' Protection Act of 3 January 1949 (No. 1) in respect of nightly rest for women were repealed. At the same time the previously total prohibition in section 34 of the Act concerning employment of women below ground in a mine or quarry was made less rigid, in so far that the prohibition was no longer to apply in the case of a woman worker employed in a supervisory capacity and engaged in non-manual work. Furthermore, a possibility was introduced for the National Board of Industrial Safety to allow a woman to be employed underground in care of the sick or in other social work or occasional work, which is either necessary with regard to her vocational training or is not a manual labour.

In the letter communicating its denunciation of the Convention, the Government reported that "the Board had stated that developments had led to increased mechanisation, improved ventilation and in general higher hygienic standards, and that in these circumstances there was increased scope for the employment of women in light work under acceptable conditions of industrial hygiene"; but "the denunciation of the Convention by Sweden should in no way be interpreted as a negative evaluation of its importance as an international instrument, and that in countries where work in mines was carried out under less satisfactory conditions of industrial hygiene, the Convention was of unquestionable importance".

5. White lead (painting)

In its report of 1987 on the application of the White Lead (Painting) Convention, 1921 (No. 13), ratified in 1923, the Government notes that:

> The National Labour Market Board has issued a new Ordinance on lead (AFS 1984:12), superseding the Ordinance on medical supervision for work using lead (AFS 1982:1) and the Board's Lead Directions (No. 28, 1967). The Ordinance contains the same special rules for women and work involving the use of lead as AFS 1982:1.
>
> Section 40 of AFS 1984:12 lays down that female employees under 50 and subject to periodic examination are to be informed of the hazards to the embryo in the event of pregnancy. Section 41 requires a female

delay when she is found to be pregnant. A female employee who is pregnant or who is nursing and has reported the fact to the employer may not be employed on work involving the use of lead.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

(Also see ILO report for the Eighth and Ninth Sessions of the CEDAW.)

Relevant ILO Conventions ratified by the United Kingdom

The United Kingdom has ratified the following ILO Conventions, which deal specifically with women or contain provisions dealing specifically with women:

- Underground Work (Women) Convention, 1935 (No. 45);*
- Equal Remuneration Convention, 1951 (No. 100) (ratified in 1971);
- Employment Policy Convention, 1964 (No. 122) (ratified in 1966);
- Human Resources Development Convention, 1975 (No. 142) (ratified in 1977).

Supplementary information available to the ILO since the ILO report submitted to the Ninth Session

1. Equality of remuneration

In its report of 1991 on the application of the Equal Remuneration Convention, 1951 (No. 100), the Government informed, inter alia, that in Northern Ireland:

> The New Earnings Survey showed that, among full-time employees aged 18 and over, the average hourly earnings (excluding overtime) of women as a proportion of the corresponding average for men was 76.8 per cent in 1985, 75.2 per cent in 1986, 74.8 per cent in 1987, 74.2 per cent in 1988, 78.6 per cent in 1989 and 80 per cent in 1990.

The Government indicated that the Confederation of British Industry (CBI) had also studied the working of the equal value process and that their report (late 1989) contains several recommendations which would require changes to the law. The CBI's proposals will be taken into account, as will the views of any other bodies or individuals, during the course of the Government's consideration of the Equal Opportunities Commission's (EOC) formal proposals.

> The UK Government recognises the TUC's continuing concern about certain issues connected with equal pay and its belief that it should be possible for employees in totally female establishments to compare themselves with notionally or actually employed men at the same or unconnected establishments. As the UK restated in its report for the period 1 July 1985 to 30 June 1987, a woman working in an all-female establishment may compare herself with a man working at another

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* The United Kingdom has denounced this Convention.

establishment owned by the same or an associated employer if common terms and conditions of employment are applied in the two establishments, either generally or for employees of the relevant classes.

UK legislation follows the Convention in that it is concerned with ensuring that rates of remuneration are "established without discrimination based on sex". If an employer employs no men at all, the only possible way of measuring what a "notional" man would be paid would be by reference to the wages paid by other unconnected employers to men doing the same type of work, quite possibly in different geographical areas. It would be impossible to determine how much of any pay inequality resulted from different markets, efficiency, profitability etc., and how much from the difference of sex. If two firms are unconnected, the UK can see no logical reason why an employee working in one firm, irrespective of the difference of sex, should be paid the same as an employee in another.

The Equal Opportunities Commission's formal proposals contained in "EQUAL PAY FOR MEN AND WOMEN: Strengthening the Acts" do not include any recommendations for equal pay comparisons with a "notional" or "hypothetical" man. However, the EOC for Northern Ireland has included a recommendation for equal pay comparisons with a "hypothetical" man in its comments on the operation of the equal pay legislation. As stated in paragraphs 17 and 20 of the UK's report, all recommendations made by the EOCs are receiving careful consideration.

Concerning job evaluation, the Government declared that:

However, as the UK pointed out in its reply to the 1988 direct request, the legislation requiring equal pay for work of equal value itself provides an important incentive to employers to operate job evaluation schemes. In practice there seems to be a steady growth of interest in job evaluation arising from the need for organisations to rationalise payment systems and free them of sex discrimination. This is expected to continue.

2. Employment policy

Concerning the application of the Employment Policy Convention, 1964 (No. 122), the Trades Union Congress (TUC) informs, inter alia, of the following:

In our view, the figures for unemployment continue to underestimate seriously the real extent of unemployment. The TUC undertook a detailed examination of claims by the Government about job creation and unemployment and found a large and growing discrepancy between registered unemployment and figures produced by the official Labour Force Survey which is based on ILO and other internationally accepted definitions of unemployment. By 1991 on our calculations the discrepancy had grown to at least 480,000, made up in large part of women whose unemployment goes unrecorded because they do not or cannot register. Women have little incentive to register as unemployed because of the narrow restrictions on unemployment insurance benefits. This is one reason why Britain - alone in the European Community - has an unemployment rate lower for women than for men. There could be as many as 480,000 women who in other industrialised countries would be regarded as unemployed but who do not figure in official statistics in Britain.

3. Human resources development

In its report of 1992 on the application of Human Resources Development Convention, 1975 (No. 142), the Government provided, inter alia, the following information:

Women

The Employment Service (ES) is committed to applying the principles of equal opportunities in its programmes and services. Any unlawful restrictions, based on a person's sex or marital status placed on job vacancies by employers are challenged by ES staff. If an employer refuses to withdraw such a restriction, ES services are withdrawn from that employer and they are reported to the Equal Opportunities Commission (EOC).

The standard one-week Restart Course has in some cases been adapted to run over two weeks on a part-time basis. This is particularly attractive to participants who have domestic responsibilities.

Jobclubs are particularly successful in helping women to find jobs. Jobclub leaders have been given guidance on recruiting more women; this includes a suggestion to keep information on local child-care facilities and on employers who have such facilities. A leaflet and poster aimed directly at women have been produced to promote Jobclubs.

In April 1988 the Employment Department (ED) implemented an experimental pilot initiative aimed at encouraging young women to consider the full range of training opportunities open to them on YTS. Ten pilot offices developed and carried out a range of activities aimed at identifying good practices in promoting non-traditional training opportunities (equal opportunities) for young women. Evaluation of the initiative is being carried out with a wide dissemination of results following completion.

4. Underground work

In its report of 1988 on the Underground Work (Women) Convention, 1935 (No. 45), the Government presented the "Instrument of Denunciation", which was registered on 26 May 1988 and that took effect on 26 May 1989. The note of the Government indicated that:

The provisions in United Kingdom law which enable the United Kingdom to observe Convention No. 45, prohibiting females from being employed on underground work in any mine, have recently come under review as being an unnecessary barrier to women's employment. The Government considers that the Convention is no longer appropriate in modern circumstances and that it should accordingly be denounced before the expiry of the current period enabling denunciations to be registered.

YEMEN

(See the ILO report for the Tenth Session of the CEDAW.)

Relevant ILO Conventions ratified by Yemen

Yemen has ratified the following ILO Conventions which deal specifically with women or contain provisions dealing specifically with women:

- Equal Remuneration Convention, 1951 (No. 100) (ratified in 1976);
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratified in 1969);
- Employment Policy Convention, 1964 (No. 122) (ratified in 1989);
- Workers with Family Responsibilities Convention, 1981 (No. 156) (ratified in 1989);
- Termination of Employment Convention, 1982 (No. 158) (ratified in 1989).

Supplementary information since the ILO report for the Tenth Session

1. Equality of remuneration

In its report of 1988 on the application of the Equal Remuneration Convention, 1951 (No. 100), the Government of Yemen stated the following:

> "... apart from the National Constitution, the Labour Code and the National Covenant, no other detailed instruments have been adopted specifically for the purpose of giving effect to the principle of equal remuneration, but the practical application of this principle does not present any problems since wages are fixed in both the public and private sectors on an equal basis for workers of both sexes." The Government adds that no complaints have been lodged in this connection and that the labour inspectors have detected no instances of discrimination in the pay of men and women performing the same work.

2. Equality in employment

In 1992, the Committee of Experts on the Application of Conventions and Recommendations made, inter alia, the following direct request concerning the application of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111):

> "As regards the employment offices set up by the Ministry of Social Affairs and Labour in the governorates of the country, the Committee notes the Government's indications that these offices, in cooperation with the inspection services, supervise the application of legal provisions respecting recruitment and terms and conditions of employment in order to ensure that no discrimination takes place on grounds of sex or religion. The Committee also notes the statement that the principle of non-discrimination is taken into account when formulating economic and social development plans. It therefore requests the

Government to supply information, including statistics, on the activities of the employment offices and more detailed information on the above development plans.

The Committee would also be grateful if the Government would indicate whether the Order provided for in section 36 of the Labour Code, forbidding the employment of women in certain types of work other than those considered to be arduous or harmful to the health, has been issued and, if so, to supply a copy of it."

ZAMBIA

Relevant ILO Conventions ratified by Zambia

Zambia has ratified the following ILO Conventions, which deal specifically with women or contain provisions dealing specifically with women:

- Underground Work (Women) Convention, 1935 (No. 45) (ratified in 1964);
- Night Work (Women) Convention (Revised), 1948 (No. 89) (ratified in 1965);
- Equal Remuneration Convention, 1951 (No. 100) (ratified in 1972);
- Maternity Protection Convention (Revised), 1952 (No. 103) (ratified in 1979);
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratified in 1979);
- Employment Policy Convention, 1964 (No. 122) (ratified in 1979);
- Termination of Employment Convention, 1982 (No. 158) (ratified in 1990).

Information available to the ILO since the date of the initial Government's report

1. Equality of remuneration

In its report of 1990 on the application of the Equal Remuneration Convention, 1951 (No. 100), the Government informed that:

> Under the provisions of the Industrial Relations Act (CAP. 517), no employer shall impose any disadvantage upon any employee on the grounds of race, colour, sex, marital status, etc. This legislation is strengthened by yet other provisions in the said Act which, among other things, declare that no collective agreement shall be registered if it contradicts government policy on incomes or is prejudicial to public interest.
>
> This in itself is intended to remove any abuse by employers on awarding basic pay to employees doing same work of equal responsibility and value. Therefore, measures being applied as of now tally with the spirit and intent of Article 3(i) of the Convention.
>
> With regard to the practical measures taken to assist social partners in evaluating work of equal value where men and women perform different work or bear different responsibilities of equal value, it is desired to report that in government service there is a permanent job evaluation office known as the Organisation and Methods Office. Job evaluation is, therefore, an ongoing exercise. The other sectors are served by the Management Services Board and the Copper Industry Services

Bureau (CISB). While the earlier is a quasi-government institution, the latter is owned by the Zambia Consolidated Copper Mines Ltd., and both extend their services to the private and parastatal sectors. Trade unions or workers' representatives are often involved in the evaluation exercises and some of the collective agreements expressly state this requirement. Objective appraisal of jobs is, therefore, an ongoing exercise in the work establishments leading to standard remuneration in each given organisation. Grading of jobs across the board is neither practicable nor is it desirable because of differing factors which constitute various establishments.

With regard to the direct request No. 3 by the Committee of Experts regarding data on cases of non-compliance with the principle of the Convention, it is desired to report that government policy on wages is very clear. Consequently, no cases of discrimination in remuneration on the basis of sex were detected by the inspectorate during the period under review.

2. Equality in employment

In its report of 1991 on the application of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Government declared that the provisions of the Convention continued to be applied by, inter alia, "The Employment of Women, Young Persons and Children Act", CAP. 505.

The Government also informed about training programmes offered by the Department of Technical Education and Vocational Training and provides statistics on the number of students enrolled per programme and on the number of graduates in 1989. Approximately 35 per cent of the students enrolled were women.

In 1992, the Committee of Experts on the Application of Conventions and Recommendations makes the following observation:

> Further to its previous comments, the Committee notes with satisfaction that the new Constitution, Act No. 1 of 24 August 1991, no longer makes reference to the United National Independence Party as the only political party and provides that every person in Zambia, whatever his race, place of origin, political opinions, colour, creed, sex, or marital status, is entitled to fundamental rights and freedoms, including freedom of conscience, expression, assembly, movement and association. Therefore there is no longer a legal basis for the application of distinctions, exclusions or preferences in employment and occupation based on political opinion.
>
> The Committee also notes with satisfaction the inclusion in the new Constitution of the terms "sex" and "marital status" amongst the grounds on which discrimination is unlawful under article 23 of the Constitution.

3. Employment policy

In 1988 the ILO published a working paper on "Women and food production in Zambia". This document forms part of a series of studies on employment generation and the satisfaction of basic needs in the agricultural sector. [illegible] that Zambian women in 1986 played an important role in the

4. Termination of employment

In its first report of 1991 on the application of the Termination of Employment Convention, 1982 (No. 158), ratified in 1990, the Government stated that under the "Industrial Relations Act", 1990, an employee may not be terminated on the basis of race, colour, sex, marital status, religion, political opinion or affiliation, tribal extraction or social status (section 129); nor for being a member of the Works Council (section 102). And under the "Employment (Amendment) Act", 1982, section 15(b) "no employer shall terminate the services of a female employee ... for reasons connected with such employee's pregnancy".

5. Night work

Concerning the application of the Night Work (Women) Convention (Revised), 1948 (No. 89), the Government declared in its various reports until 1977 that "No demarcation has been made by statute separating industry from agriculture, commerce, and other industrial occupations. It is not considered necessary that this demarcation should be made because the largest proportion, if not all, of female working population is engaged in occupations where night work is not customary".

6. Underground work

In its report of 1976 on the application of the Underground Work (Women) Convention, 1935 (No. 45), the Government declared that the provisions of the Convention continued to be applied by the "Employment of Women, Young Persons and Children Act", CAP. 505.

7. Maternity protection

In 1989, the Committee of Experts on the Application of Conventions and Recommendations made the following direct request concerning the application of the Maternity Protection Convention (Revised), 1952 (No. 103):

> Article 3, paragraph 5. The Committee notes from the Government's report that there has been no practical problem in the application of this provision of the Convention. In its previous comments the Committee noted that section 54 of the Employment Act made the right to additional leave in cases of illness arising out of pregnancy conditional on a minimum length of employment (one month of continuous employment). It recalls in this connection that the Convention makes no mention of a minimum duration of employment for eligibility to such leave, any condition of the kind provided for by the national legislation thus being incompatible with the Convention. The Committee therefore hopes that the Government will not fail to take the necessary measures in order to bring the national legislation into conformity with the national practice and with the Convention.
>
> Article 4, paragraphs 4 and 8. The Committee notes from the report of the Government that, in addition to the wages paid by the employer during maternity leave, a woman is entitled to a maternity grant after confinement, paid by the National Provident Fund. It has noted from the Government's previous report that the employer is liable for the full wages to which a woman is entitled during her maternity leave, contrary to these provisions of the Convention which stipulate that cash benefits should be provided either by means of compulsory social insurance or by